

IHTISAB & MUHTASIB

INSTITUTIONALIZING AMR BIL MA'RŪF
WA NAHY 'AN AL-MUNKAR

BY: SHAYKH SAFĀR AL-ḤAWĀLĪ
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FOREWORD & AFTERWORD: M. N. MUSHARRAF

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Sama-O-Basr

لَوْجِهَ اللَّهِ لَا نُرِيدُ مِنْكُمْ جَزَاءً وَلَا شُكُورًا

Only for Allah's pleasure! We neither seek reward from you nor thanks.

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1. Foreword



One day, Abū al-Ḥasan al-Nūrī went to the docks to perform his ablution. There, he noticed a boat loaded with barrels strangely labeled *lutf* (“gentleness”)—a term unfamiliar in trade. Sensing something suspicious, he asked the boatman, “What’s in these barrels?”

The man snapped, “What’s it to you? Mind your business!”

But al-Nūrī pressed again, undeterred. Irritated, the boatman scoffed, “You’re a nosy Sufi! This is wine for the Sultan al-Mu‘taḍid Billāh’s gathering.”

Al-Nūrī asked for a crowbar.

Mocking him, the boatman said, “Give it to him—let’s see what this old man dares to do.” To everyone’s astonishment, al-Nūrī boarded the boat and began smashing the barrels one after another, until the authorities arrived. He was arrested and brought before the Sultan—who was known for executing before questioning.

When presented in court, al-Nūrī declared, “I am a *muḥtasib*—it is my duty to enjoin what is right and forbid what is evil; I destroy evil.”

The Sultan asked, “Who appointed you?”

He replied, “The One who appointed you as ruler appointed me to hold you accountable.”

When asked why he had destroyed the barrels, al-Nūrī answered, “Out of mercy for you—I raised my hand to shield you from sin.”

This incident, like many others in our tradition, illustrates a principle deeply rooted in the Qur'an and Sunnah: *al-Amr bil Ma'rūf wa al-Nahy 'an al-Munkar*—the enjoining of good and forbidding of evil. When this responsibility is structured within society, it takes the form of *ḥisbah*—a system of moral oversight carried out by individuals known as *muḥtasibs*. Many Muslims today are unaware of the profound role this system has played in shaping Islamic governance and social ethics. The book in your hands seeks to change that. Let us begin with the name of Allah (SWT), seeking His guidance and mercy.

1.1 *About the topic:*

Our noble religion was revealed to safeguard five universal necessities: religion (*dīn*), life (*nafs*), intellect (*'aql*), wealth (*māl*), and lineage (*nasl*). One of the foremost outcomes of preserving these essentials is the establishment and maintenance of security (*amān*)—a condition without which no community can truly flourish. To achieve and sustain this security, Islam calls for a society grounded in mutual counsel, cooperation, and collective responsibility. These principles form the backbone of upholding the higher objectives of Islamic law. It is through this spirit of shared moral accountability that a community becomes worthy of the *rahmah* of Allah ﷻ.

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

The believers, both men and women, are guardians of one another. They encourage good and forbid evil, establish prayer and pay alms-tax, and obey Allah and His Messenger. It is they who will be shown Allah's mercy. Surely Allah is Almighty, All-Wise. [Surah Tauba: 71]

The people who enjoin good and forbid evil are the best of the people, *Khayr An-Naas*, as report by various scholars. The attributes of the one who qualifies to be among *Khayr An-Naas* are as follows:

"أَتَقَاهُمُ لِلرَّبِّ عَزَّ وَجَلَّ، وَأَوْصَلَهُمُ لِلرَّحِمِ، وَأَمَرَهُمُ بِالْمَعْرُوفِ، وَأَنْهَاهُمْ عَنِ الْمُنْكَرِ".

"The most God-fearing among them (i.e. among the people), the one who maintains the strongest ties of kinship, the one who most enjoins what is right, and forbids what is wrong."

On the other hand, leaving this important duty of enjoining good and forbidding evil invites the displeasure of Allah SWT:

عن حذيفة رضي الله عنه، أن النبي صلى الله عليه وسلم قال: "والذي نفسي بيده، لتأمرنَّ بالمعروفِ ولتنهونَّ عن المنكر، أو ليوشكنَّ الله أن يبعث عليكم عذاباً من عنده، ثم لتدعونه ولا يُستجاب لكم

On the authority of Hudhayfah (may Allah be pleased with him), the Prophet ﷺ said: "By the One in Whose Hand is my soul, you will certainly enjoin what is right and forbid what is wrong, or else Allah will soon send upon you a punishment from Him. Then you will supplicate to Him, but He will not respond to you." [Sunan al-Tirmidhī 2169]

Another hadith mentions,

مَا مِنْ رَجُلٍ يَكُونُ فِي قَوْمٍ يَعْمَلُ فِيهِمْ بِالْعَاصِي، يَقْدَرُونَ عَلَى أَنْ يَغَيِّرُوا عَلَيْهِ وَلَا يَغَيِّرُونَ، إِلَّا أَصَابَهُمُ اللَّهُ مِنْهُ بِعِقَابٍ قَبْلَ أَنْ يَمُوتُوا

"There is no man who commits sins among a people while they are able to stop him but do not do so, except that Allah will punish them with a punishment from Him before they die." [Sunan Abu Dawud 4339]

Every Muslim is entrusted as a guardian over some aspect of the Ummah's moral and societal well-being. It is therefore a communal

obligation to protect this fabric—an obligation that finds institutional expression in *Amr bil Ma'rūf wa Nahy 'An al-Munkar* (enjoining right and forbidding wrong), which operates on both individual and state levels.

The beloved Prophet Muhammad ﷺ said:

مَا مِنْ نَبِيٍّ بَعَثَهُ اللَّهُ فِي أُمَّةٍ قَبْلِي إِلَّا كَانَ لَهُ مِنْ أُمَّتِهِ حَوَارِيُّونَ وَأَصْحَابٌ يَأْخُذُونَ بِسُنَّتِهِ، وَيَقْتَدُونَ بِأَمْرِهِ، ثُمَّ إِنَّهَا تَخْلُفُ مِنْ بَعْدِهِمْ خُلُوفٌ يَقُولُونَ مَا لَا يَفْعَلُونَ، وَيَفْعَلُونَ مَا لَا يُؤْمَرُونَ، فَمَنْ جَاهَدَهُمْ بِيَدِهِ فَهُوَ مُؤْمِنٌ، وَمَنْ جَاهَدَهُمْ بِقَلْبِهِ فَهُوَ مُؤْمِنٌ، وَمَنْ جَاهَدَهُمْ بِلِسَانِهِ فَهُوَ مُؤْمِنٌ، وَلَيْسَ وَرَاءَ ذَلِكَ مِنَ الْإِيمَانِ حَبَّةُ خَرْدَلٍ - رواه مسلم.

"There was no prophet whom Allah sent to a nation before me except that he had disciples and companions from among his nation who followed his way and obeyed his commands. Then, there came after them successors who said what they did not do, and did what they were not commanded to do. So whoever strives against them with his hand is a believer; and whoever strives against them with his tongue is a believer; and whoever strives against them with his heart is a believer. Beyond that, there is not even a mustard seed's worth of faith. [Riyad us Saliheen 2/185]

Enjoining good and forbidding evil is such a fundamental obligation in Islam that neglecting it—and having no inclination toward it—may render a person no longer truly considered a Muslim.

عن ابن عباس رضي الله عنهما، عن النبي صلى الله عليه وسلم قال: "ليس منا من لم يرحم صغيرنا، ويوقر كبيرنا، ويأمر بالمعروف، وينه عن المنكر".

On the authority of Ibn 'Abbās (may Allah be pleased with him and his father), the Prophet ﷺ said: "He is not one of us who does not show mercy to our young, respect our elders, enjoin what is right, and forbid what is wrong."

[Sunan Tirmidhi 1921]

One of the most distinguished manifestations of this command in Islamic history is the *Nizām al-Ḥisbah* (a system of accountability based on enjoining good and forbidding evil), which was established to remind people of what is right and what is wrong, and to prevent them from wronging themselves or others. The officials entrusted with this responsibility were known as *muḥtasibs*. They were empowered to monitor public behavior, address violations, uphold ethical standards, and relay grievances to the ruler, who might otherwise remain unaware. This unique role served as a critical bridge between the leadership and the general population, ensuring both accountability and responsiveness within society.

The *Ḥisbah* system offered numerous practical benefits to Islamic society. It prioritized prevention through public reminders, often addressing issues before they escalated into legal disputes or major offenses. It facilitated swift justice, avoiding the delays of prolonged legal proceedings that could last months or even years. It also served as a system of quality control and assurance, particularly in markets, trades, and public services, ensuring fairness and ethical standards in everyday dealings.

Importantly, the system was not limited to observation and verbal admonition; where necessary, the *muḥtasib* was also granted the authority to enforce corrective measures for the public good—a crucial aspect explored further in this book.

While certain elements of the *Ḥisbah* model can be seen today in institutions such as police departments, regulatory bodies, or *Commissions*

for the Promotion of Virtue and the Prevention of Vice, the original Islamic conception is far more comprehensive. It is rooted not merely in administrative governance, but in divine accountability and moral responsibility. This spiritual and ethical foundation is what distinguishes the Islamic *Ḥisbah* system from other modern manifestations of similar regulatory functions.

This book provides a foundational framework for understanding the true role of the *muḥtasib*, equipping readers to assess whether modern applications of *Ḥisbah*—across communities, institutions, or state structures—align with Islamic principles or have been shaped by misconceptions and external pressures. Its insights are valuable not only for government bodies, but also for individuals, organizations, and societies at large. The *Ḥisbah* system is not merely a formal administrative mechanism—it is a living principle rooted in divine accountability, ethical reform, and the collective moral responsibility of the Ummah.

1.2 About this book:

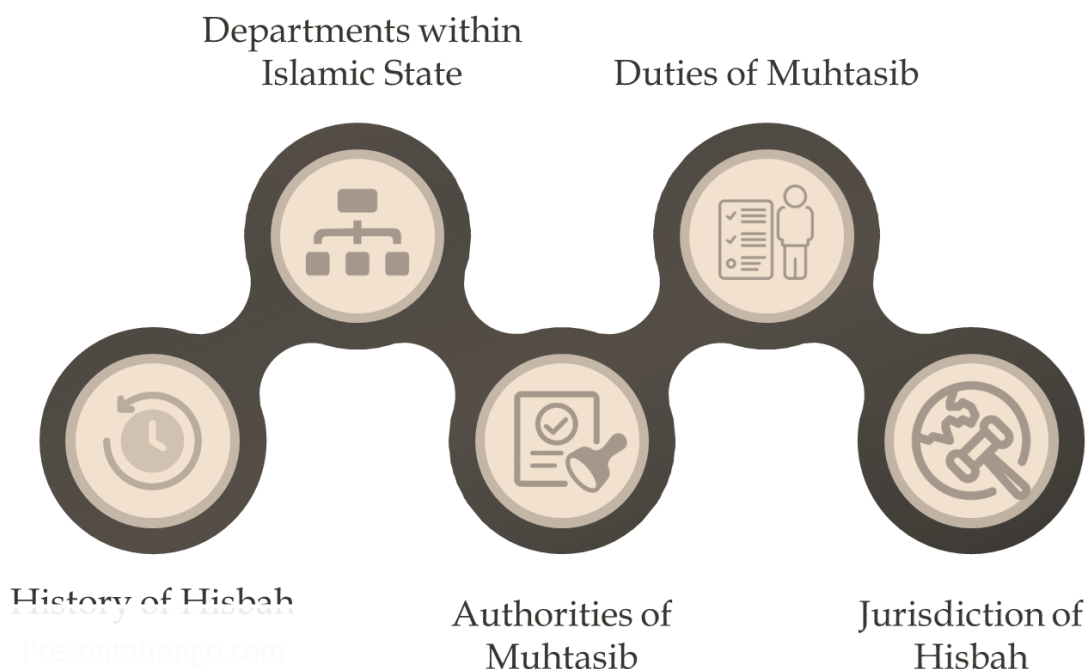
The book comprises three principal sections. The following offers a concise overview of what each contains.

Foreword (Section 1): The opening part of this foreword has introduced the significance of *al-Ḥisbah* and its foundational role in Islamic society—highlighting why the topic deserves our attention today. Having laid that groundwork, the foreword now turns to outlining the structure of the book and its three main components. It then proceeds to introduce the author of the central section—Shaykh Ṣafar bin ‘Abd al-Raḥmān al-Ḥawālī—along with a brief overview of his contributions to the Ummah. Finally, it explains the approach taken in this translation and offers key

contextual notes to help the reader engage more deeply with the material. Together, these elements are intended to equip the reader with a well-rounded understanding before proceeding to the main text.

Main Text - Translation of a lecture by Şafar al-Ḥawālī (Sections 2-9):

The central part of this book is a translation of a lecture delivered by Shaykh Şafar al-Ḥawālī, in which he explores the Qur’anic and Prophetic foundations of the *Ḥisbah* system while explaining the following dimensions:



The lecture concludes with a rich and insightful Q&A session, addressing common questions related to the subject.

Afterword (Section 10): This final section provides an in-depth analysis of the Shaykh’s lecture, drawing out key themes and clarifying core ideas. It includes a historical overview of how *al-Ḥisbah* has been understood and applied across various eras of history, including modern developments. It highlights both the strengths and shortcomings in its implementation, and offers practical reflections on how the concept can

be revived and adapted in contemporary contexts. A comparative look at modern regulatory systems is also presented, showing how elements of *Ḥisbah* still resonate in today's institutions. The Afterword is intended to offer readers context, clarity, and avenues for reflection on applying this timeless principle today.

We are very pleased to present this book to the wider audience, hoping it will serve as a resource for students of Islamic governance, scholars, and all those interested in the ethical and institutional dimensions of the *Sharī'ah*.

1.3 About the author:

The author of the central and main part of this book, Shaykh Dr. Ṣafar bin 'Abd al-Raḥmān al-Ḥawālī al-Ghāmidī (b. 1950), is a prominent Islamic scholar from the Ḥawālah tribe in the al-Bāḥah region of southwestern Saudi Arabia.

He was brought up in Makkah and has long been recognized for his scholarly depth and courageous advocacy on contemporary issues affecting the Muslim world.

Shaykh al-Ḥawālī earned his bachelor's degree in Islamic Law (*Sharī'ah*) from the Islamic University of Madinah. He later pursued advanced studies at Umm al-Qurā University in Makkah, where he obtained both his master's and Ph.D. in Islamic Theology. His master's thesis, later published as a book, focused on secularism and its influence on the Muslim world—a work supervised by Shaykh Muḥammad Quṭb, the brother of Sayyid Quṭb (*rahimahū Allāh*). In this study, he critically traced the historical development of church-state separation and how such ideas were imported into Muslim societies.

Shaykh Safar rose to prominence in the early 1990s as a leading figure in the Ṣaḥwah (Islamic Awakening) movement, which opposed the presence of Western military forces on the Arabian Peninsula. In a 1991 sermon, he warned that the Gulf War was part of a broader Western agenda to dominate the Muslim world. He later co-founded the ‘Committee for the Defense of Legitimate Rights’ in 1993, alongside Shaykh Salmān al-‘Awda, calling for political reform and greater accountability in Saudi governance.

A vocal critic of foreign intervention and Western imperialism in Muslim lands, Shaykh al-Ḥawālī has consistently supported the defense of Muslim territories. In November 2004, following the American invasion of Iraq, he joined 26 other scholars in signing an open letter to the Iraqi people, urging unity and resistance against occupation.

Shaykh, through his books, articles, and lectures, also elaborated on how an Islamic state should be structured and governed, offering critical insights into systems of administration, accountability, and public welfare. The book in your hand is one such effort, drawn from these broader discourses on governance and statecraft in Islam.

His written works reflect a firm commitment to both intellectual rigor and socio-political engagement. Notable among them is *The Day of Wrath*, a treatise on the Second Intifada, in which he argues that biblical prophecies invoked by Christian Zionists actually foretell the destruction—not triumph—of the Zionist state. Remarkably, this treatise was translated into Hebrew by *Neturei Karta*, a Jewish anti-Zionist organization that advocates for Palestinian rights.

In 2003, when a group of 60 American thinkers published an article

justifying the U.S. invasion of Iraq, Shaykh al-Ḥawālī issued a powerful rebuttal, exposing the historical trends in American foreign policy and their devastating consequences for the Muslim world.

His most extensive work to date is the monumental 3,000-page book titled *Muslims and Western Civilization*. In it, he offers a sweeping critique of contemporary political developments – particularly the foreign policies of the Saudi authorities – while proposing a comprehensive vision for Muslim unity and resistance in the face of modern colonialism, imperialism, and religious subjugation.

Due to his unwavering stance on these issues, Shaykh al-Ḥawālī has faced repeated imprisonment, most recently alongside his sons and several followers. Nevertheless, his legacy continues to inspire scholars, students, and activists committed to justice, reform, and principled resistance in the Muslim world.

1.4 About the Translation

Every effort has been made to keep this translation as close to the original Arabic as possible, preserving the author’s intent, tone, and structure. Where necessary, certain sentences have been paraphrased to improve clarity and flow in written English. Footnotes have been added where appropriate to explain references, provide context, or offer brief clarifications for non-specialist readers.

The language has been kept simple and accessible, aiming to convey complex ideas without compromising their depth. Qur’anic verses are presented in Arabic, followed by their English translations, in order to preserve scriptural integrity.

Wherever possible, Arabic terms have been retained in the main text to

avoid the loss of essential Islamic concepts in translation. This approach is intended to support readers who wish to engage more deeply with the subject and become familiar with the foundational vocabulary of the Islamic tradition.

May Allah (SWT) bless this effort and allow it to fulfill its intended purpose—conveying the message clearly and enriching the understanding of all who seek knowledge on this important topic. We pray that He accepts it and makes it a source of forgiveness for everyone involved in its preparation, translation, and publication.

Our sincere thanks go to iCAN Sama-O-Basr for making this important work accessible to non-Arabic readers. We ask Allah to bless this endeavor and make it a means of widespread benefit, revival, and reward in this life and the next.

Editor

(29 June 2025)

2. Wilāyat al-Ḥisbah (The Office of Ḥisbah)



All praise is due to Allah. We praise Him, seek His help, and ask for His forgiveness. We seek refuge in Allah from the evils within ourselves and from the consequences of our misdeeds. Whomever Allah guides, none can misguide; and whomever He allows to go astray, none can guide.

I bear witness that there is no deity worthy of worship except Allah alone, without partner, and I bear witness that Muhammad ﷺ is His servant and Messenger. May Allah's peace and blessings be upon him, his family, and all his companions.

To begin:

Our discussion today will be about a incredible matter and a very important aspect of this religion, a major act of worship in Islam and one of its most important areas of public duty and responsibility – namely: *Amr bil Ma'rūf wa Nahy 'An al-Munkar* (enjoining good and forbidding evil), and specifically the role of *al-iḥtisāb*, or “the *wilāyah* of *ḥisbah*” – one of the significant aspects upon which the Islamic state is founded.

The great importance of enjoining good and forbidding evil is well known to all of you, for Allah – Blessed and Exalted – has made it a defining characteristic of this chosen and distinguished Ummah, as He said:

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ

"You are the best Ummah ever raised for mankind – you enjoin what is right, forbid what is wrong, and believe in Allah." [Āl 'Imrān 3:110]

And He, Blessed and Exalted, urged the Ummah toward it, saying:

وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ

"Let there be [arising] from among you an Ummah who invite to goodness, enjoin what is right, and forbid what is wrong – it is they who will be successful." [Āl 'Imrān 3:104]

And He – Exalted is He – clarified in His Book that this is the role and function of the Muslim state, as He said:

الَّذِينَ إِنْ مَكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ

"Those who, if We give them authority in the land, establish prayer, give zakāh, enjoin what is right, and forbid what is wrong." [Al-Ḥajj 22:41]

And other evidence that is not the place to mention, and to explain his virtue and great status.

3. The History of the *Hisbah* System



"What we intend to do now is to examine how Muslims put this principle into practice — how the Islamic Ummah applied the aforementioned and other verses and hadiths on the subject, how it established enjoining good and forbidding evil in its daily life, how it developed systems to carry out this vital duty and religious obligation, and how it adapted to changing circumstances and eras — until the arrival of a time of trial and corruption, when the light of enjoining good and forbidding evil was nearly extinguished. In most Muslim lands, there no longer remained any official position, authority, or ritual that bears this name, "*Hisbah*". However, in this land — praise be to Allah — there remained what is called the "*Commission for the Promotion of Virtue and Prevention of Vice*," representing the *Wilāyah* of *Hisbah* known in Islamic history. Nonetheless, this body has been affected by what has affected it — of weakness, deficiency, and restriction of powers — things that must be reviewed and given attention, and must be completed and strengthened, as we will explain, if Allah wills.

3.1 *Hisbah during the Time of the Messenger* ﷺ

Indeed, the Messenger of Allah ﷺ — upon whom Allah, Blessed and Exalted, revealed the Noble Qur'an, a Wise Reminder for all of humanity to be clarified to them — demonstrated through his actions at every stage of his life that he was truly sent to call all of mankind to what is right and forbid them from what is wrong. He made lawful for them what is pure and good, and forbade for them what is impure and harmful.

Thus, the Prophet ﷺ consistently called to what is right and forbade what is wrong. His entire *da'wah*—from beginning to end—was, at its core, a call to enjoin good and forbid evil.

Through this, we come to understand the comprehensive meaning of *Amr bil Ma'rūf wa Nahy 'An al-Munkar* (enjoining what is right and forbidding what is wrong): for everything that Allah has commanded is *ma'rūf* (good and right), and the greatest of *ma'rūf* is *Tawhīd*—the oneness of Allah, the Mighty and Majestic—because it is the highest and most essential of all commandments.

Likewise, everything that Allah—Blessed and Exalted—has prohibited, whether it is *ḥarām* (forbidden) or *makrūh* (discouraged), according to the classifications in *uṣūl al-fiqh*, is considered *munkar* (evil and wrong). And the greatest of all *munkar* is *shirk*—associating partners with Allah, the Mighty and Majestic.

3.2 *Ḥisbah during the Time of the Rightly Guided Caliphs*

After the blessed Prophet ﷺ—peace and blessings of Allah be upon him—came the *Khulafā' ar-Rāshidūn*, may Allah be pleased with them and be pleased with their efforts. They themselves were the foremost in the Ummah in upholding *Amr bil Ma'rūf wa Nahy 'An al-Munkar*.

For this reason, we do not find during their era any official position titled “the office of enjoining good and forbidding evil” or “the authority of *ḥisbah*,” because they understood that this responsibility was among the greatest core personal obligations upon them, and they were fulfilling it in full—both outwardly and inwardly, in the cities and the deserts, in the

capitals and the outlying provinces.¹

¹ Below are some examples of *ḥisbah* from the era of the Rightly Guided Caliphs, followed by a brief reflection.

Hisbah in the Era of Abū Bakr (R.A.):

Though his caliphate was brief, Abū Bakr al-Ṣiddīq (R.A.) displayed remarkable commitment to *ḥisbah*—the duty of enjoining good and forbidding evil—both on the battlefield and in civil life. During the Wars of Apostasy, he stood firm against tribes that refused to pay zakat, false claimants to prophethood, and those who abandoned Islam altogether. He famously declared, “By Allah, if they withhold from me even a young she-goat they used to give to the Messenger of Allah, I will fight them over it.” His *ḥisbah* extended beyond military action: he corrected companions in matters of ethics, rebuked attempts to undermine prophetic decisions, and addressed public moral issues such as imitation of the opposite sex. His era set a powerful precedent for institutional and personal moral accountability in the Islamic state.

Hisbah in the Era of ‘Umar ibn al-Khaṭṭāb (R.A.):

The practice of *ḥisbah* reached new heights during the caliphate of ‘Umar ibn al-Khaṭṭāb (R.A.). His leadership was marked by a profound sense of moral responsibility and oversight across all aspects of life: from worship and governance to public conduct, markets, and even animal welfare.

Hisbah in Acts of Worship

One of the most well-known examples of his *ḥisbah* in worship was his decision to unite the Muslims for *Tarāwīḥ* prayers during Ramaḍān. As narrated by ‘Abd al-Raḥmān ibn ‘Abd al-Qārī in *Ṣaḥīḥ al-Bukhārī*, he said:

“I went out with ‘Umar ibn al-Khaṭṭāb one night in Ramaḍān to the mosque and saw people praying in scattered groups—one man praying alone, another with a small group behind him. ‘Umar said, ‘I think it would be better if I gathered them under one reciter.’ So he appointed Ubayy ibn Ka‘b to lead them. The next night, we returned and found them praying in congregation. ‘Umar said, ‘What a good innovation this is!’”

He added, “But the prayer they sleep through (in the last third of the night) is better than the one they are praying now,” showing his prioritization of both unity and spiritual excellence.

On another occasion, when a man entered the mosque late during Friday prayer, ‘Umar R.A. interrupted his sermon to ask: “What time is this?” The man replied that he had just come from the market and had only made *wuḍū’*. ‘Umar responded, “And *wuḍū’*? Don’t you know the Messenger of Allah (ﷺ) commanded us to perform *ghusl* on Fridays?”

Hisbah Over Governors and Officials

‘Umar R.A. was uncompromising in holding governors and public officials accountable. He once declared publicly:

“O people! I do not send my governors to beat your backs or take your wealth. I send them to teach

you your religion and your Sunnah. If any of them does otherwise, bring it to my attention – and by the One in whose hand is ‘Umar’s soul, I will exact justice.”

Before appointing officials, he laid down strict conditions: they were not to ride fine horses, wear expensive clothing, eat refined food, or shut their doors to the public. Failure to uphold these conditions meant dismissal or discipline.

Hisbah in the Marketplace

‘Umar R.A. took personal responsibility for regulating public commerce. He would patrol the markets of Madinah with a staff in hand, ensuring fairness and moral conduct. Anas ibn Mālik (R.A.) reported:

“I saw ‘Umar in the market wearing a garment patched in fourteen places, with no cloak or turban – only his staff in hand, patrolling the market of Madinah.”

He monitored weights and measures, punished fraud, and enforced honest business dealings.

Hisbah in Public Morality and Ethics

‘Umar R.A. extended *ḥisbah* to areas of public decency and gender conduct. Imām al-Māwardī recorded that he prohibited men from mixing with women during *ṭawāf*. Once a man was reported for tripping women during gatherings, causing them to fall and become exposed. ‘Umar verified the report, had the man brought forward, and punished him with one hundred lashes, warning him never to approach women again – especially those whose husbands were absent.

Hisbah Toward Animals

Even animals fell under the umbrella of ‘Umar’s R.A. moral oversight. Al-Musayyib ibn Dār reported that he saw ‘Umar R.A. reprimanding a man and saying, ‘You have burdened your camel with more than it can bear.’”

Hisbah in the Era of ‘Uthmān ibn ‘Affān (R.A.)

The system of *ḥisbah* continued along the righteous course set by the previous caliphs during the caliphate of ‘Uthmān ibn ‘Affān (R.A.), the third of the Rightly Guided Caliphs. His leadership was marked by a strong sense of accountability, service to the people, and a firm stance against moral decay, particularly in the areas of commerce and public conduct.

Early in his rule, he sent a powerful letter to his governors, stating: “Verily, Allah has commanded the leaders to be shepherds, not [mere] tax collectors. The early generations of this Ummah were created to be shepherds, not revenue collectors. But now your leaders are becoming collectors and ceasing to be shepherds. If that continues, modesty, trust, and loyalty will vanish. You must look into the people’s affairs: give them what is due to them and take only what is due from them. Then turn to the people of the *dhimmah*: give them their rights and take only what is due from them.” He advised them to be just even with their vile enemies.

These statements reflect not only his view of leadership as a trust but also the ethical foundation he sought to preserve in public administration.

Personal Enforcement of Hisbah

‘Uthmān R.A. personally took action against public immorality and disruptive behavior:

- He banned games of chance, particularly the use of dice (*nards*), and ordered such items to be broken or burned.
- He prohibited the racing and flying of pigeons, which had become a source of mischief and distraction for youth.
- He personally reprimanded those who carried weapons within Madinah or committed open wrongdoing, and he would not hesitate to expel repeat offenders from the city to preserve public safety and order.

These measures demonstrate ‘Uthmān’s deep concern for social stability, ethical behavior, and the preservation of Islamic values within the public domain. His era of *ḥisbah* was distinguished by discretion, discipline, and a focus on maintaining both justice and communal dignity.

Hisbah in the Era of ‘Alī ibn Abī Ṭālib (R.A.)

‘Alī ibn Abī Ṭālib (R.A.), the fourth of the Rightly Guided Caliphs, upheld the institution of *ḥisbah* with dedication and sincerity, following the prophetic model with both wisdom and personal involvement. He viewed the role of *muḥtasib* not as a delegated duty alone, but as a personal obligation rooted in leadership and faith.

Hisbah in Worship and Prayer

One of the most vivid signs of his commitment to religious accountability was his daily call to prayer. On the very morning he was fatally struck, ‘Alī (R.A.) left his house for the Fajr prayer, calling out:

"O people, prayer! Prayer!"

This was his daily practice—rousing the people to fulfill their duty to Allah. His son, Ḥasan (R.A.), reported that this call marked the beginning of every morning in their household.

Hisbah in the Marketplace

Like his predecessors, ‘Alī (R.A.) personally patrolled the markets of Kūfah. Wearing simple garments and carrying a staff, he would walk among the merchants, advising them to fear Allah, act justly, and maintain integrity in trade. He would remind them:

"Fulfill the measure and the balance,"

and caution them:

"Do not blow on meat," —a reference to dishonest food practices.

He frequently recited verses from the Qur’an to instill God-consciousness in both sellers and buyers, including:

3.3 *Hisbah during the Time of ‘Umar ibn ‘Abd al-‘Azīz*

Among the greatest to revive this religious ritual after the *Khulafā’ ar-Rāshidūn* was the fifth rightly guided Caliph ‘Umar ibn ‘Abd al-‘Azīz, may

تِلْكَ الدَّارُ الْآخِرَةُ نَجْعَلُهَا لِلَّذِينَ لَا يُرِيدُونَ عُلُوًّا فِي الْأَرْضِ وَلَا فَسَادًا وَالْعَاقِبَةُ لِلْمُتَّقِينَ ٨٣

“That is the home of the Hereafter – We assign it to those who do not desire exaltedness upon the earth or corruption. And the [best] outcome is for the righteous.” [Surah al-Qaṣaṣ: 83]

His presence was not merely symbolic – it was corrective, moral, and instructional.

Hisbah in Social Discipline and Justice

‘Alī (R.A.) also implemented *hisbah* through legal and social intervention. According to Qāḍī Abū Yūsuf, if he found someone known for corruption or moral deviance in a tribe, he would have the individual imprisoned – not as punishment alone, but as a means to protect the community. He explained: “He should be imprisoned to protect the people from his evil, and we will support him from their wealth.”

If the offender had financial means, he would be sustained from his own wealth; if not, the *Bayt al-Māl* (public treasury) would provide for him. In this way, justice was balanced with dignity and communal responsibility.

These accounts from the eras of the Rightly-Guided Caliphs demonstrate how deeply embedded the practice of *hisbah* was in the governance of the early Muslim state. Reflecting on upon this era, one can make following observations:

- Though there were no formal departments called “*Hisbah*”, this role was performed by state itself.
- The forms of implementation of *Hisbah* spanned over a variety of interventions from verbal rebuke to imprisonment.
- Markets were monitored, public service and governors were monitored, the broader approach in the community was monitored, and so on.
- *Hisbah* spanned over enjoining good and forbidding evil in religious as well as social and societal matters too. It was not restricted to religious matters alone. It even included animal welfare.
- The boundaries between the role of the state, judiciary, and *hisbah* were blur. One can accordingly say that if a model is proposed with such blurred boundaries again, it would be aligned with the approach of the rightly guided caliphs in this manner.

These considerations and observations can play an important role in planning for implementation of *Hisbah* in the modern era and in proposing any models in that regard.

Allah be pleased with him. He appeared at a time when part of this duty to enjoin good and forbade evil had diminished, and he brought it back to life. Among the matters he revived was that he, may Allah be pleased with him, personally took it upon himself to redress injustices – specifically, to return rights and properties that the *Banū Umayyah* had unlawfully taken.

He was aided in this noble mission by ministers of righteousness and trusted advisors from among the scholars who were close to him and offered sound counsel.

From this revival, the Ummah came to recognize what later became known as the *Wilāyat al-Maẓālim* (the authority of grievances).

3.4 *Ḥisbah during the ‘Abbāsīd Era and After*

Gradually, the matters progressed to the point where, during the era of the ‘Abbāsīd state, the *Wilāyat al-Maẓālim* (authority of grievances) was established as a distinct and independent office, as was the judiciary (*Wilāyat al-Qaḍā’*), whose role and authority were well defined. Likewise, the *ḥisbah* – the office responsible for *Amr bil Ma’rūf wa Nahy ‘An al-Munkar* (enjoining what is right and forbidding what is wrong) – was also formally recognized as a separate institution.

Over time, the extent and power of these offices fluctuated depending on the nature of the ruling state. As *Shaykh al-Islām*, may Allah have mercy on him, explained: some states broadened the scope of the *ḥisbah* and the duty of enjoining right and forbidding wrong to encompass matters of great significance and wide-reaching impact.

Other states, however, adopted a more restricted approach. They reassigned parts of the authority and responsibilities of the *ḥisbah* – and

the function of *Amr bil Ma'rūf wa Nahy 'An al-Munkar*—to other branches, such as the judiciary, the office of grievances, the police, or other administrative bodies.

4. The Dīwāns² of the Islamic State



Throughout Islamic history, the various branches of state authority can generally be classified into four broader main categories:

- the *Wilāyah of the Vizierate* (ministries),
- the *Wilāyah of the Judiciary*,
- the *Wilāyah of Grievances* (*Mazālim*), and
- the *Wilāyah of Hisbah*.

The *Wilāyah of Hisbah* stood as the fourth foundational pillar among the essential components of the Islamic state.

This is due to the fact that the administrative structure of the Islamic state was not like that of modern nation-states, which may consist of twenty or more ministries. Instead, it operated through broad, centralized *Dīwāns* (departments or bureaus), and most Islamic governments throughout history did not extend beyond these four principal *Dīwāns*.

² In the context of state administration, the Arabic word *Dīwān* (ديوان) refers to an official government bureau, department, or administrative office. The term appears in hadith literature with the connotation of a register or logbook, and over time, it came to denote both the record itself and the institution responsible for maintaining it.

Historically, *Dīwāns* were key institutions established during the early Islamic caliphates – beginning with the *Rashidun*, and further developed under the Umayyad and Abbasid dynasties – to organize and oversee various functions of state governance. Examples include *Dīwān al-Jund* (the department of the military), *Dīwān al-Kharāj* (the bureau of land tax and revenue), among others.

In this book, the Shaykh presents various classifications of such administrative departments, as the reader will soon discover.

As will become evident, if we were to map the responsibilities of today's various ministries and government bodies onto these historical categories, we would find that the functions of modern states are indeed encompassed within these four departments. These *Dīwāns* are sufficiently broad and comprehensive to include all state institutions, regardless of time or context.

4.1 *The purpose of the Dīwāns*

Comment from the editor:

The crux of this section is as follows:

1. The governments in Islamic State and the State itself exist for worshipping Allah SWT. Their core responsibility is to enjoin good and forbidding evil. Hisbah is therefore the real essence of their role.
2. Manmade laws are generally concerned about the worldly matters. Islamic State, however, is also responsible for the next life of the people.

Before we go into the details of these authorities, we must connect the topic to its very important foundational principle, as Shaykh al-Islām – may Allah have mercy on him – did. That is, we must speak about the purpose of these *wilāyāt*, of governments, of states, and of administrations before discussing the details of these *wilāyāt*, so that no one assumes that the scope of this specific *wilāyah* or this *dīwān* – the *Dīwān al-Ḥisbah* – is limited to enjoining good and forbidding evil in a general manner and that anything beyond it lies outside its scope.

Shaykh al-Islām Ibn Taymiyyah – may Allah the Most High have mercy on him – began his treatise *Qā'idah fī al-Ḥisbah* by establishing a profound foundational principle, immediately after the opening sermon and introduction. It is a principle that we must understand deeply and never lose sight of.

He said – may Allah have mercy on him: "The foundation of this matter is to know that all *wilāyāt* (positions of authority) in Islam exist for one purpose: that the religion belongs entirely to Allah, and that the word of Allah be made supreme. For indeed, Allah – glorified and exalted is He – created the creation for this very purpose, and for it He revealed the Books, and for it He sent the Messengers. Upon this foundation, the Messenger ﷺ and the believers strove in *jihād*."

Allah says:

﴿وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ﴾

"And I did not create the jinn and mankind except to worship Me." (Sūrat adh-Dhāriyāt, 51:56)

And He says:

﴿وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ مِنْ رَسُولٍ إِلَّا نُوحِي إِلَيْهِ أَنَّهُ لَا إِلَهَ إِلَّا أَنَا فَاعْبُدُونِ﴾

"And We did not send any messenger before you except that We revealed to him, saying: There is no deity except Me, so worship Me." [Sūrat al-Anbiyā', 21:25]

And there are numerous other evidences supporting this, in addition to what has already been mentioned, as he – may Allah have mercy on him – went on to cite from the verses and proofs.

Then, after clarifying that people are, by necessity, bound to live together – and that the human being is, by nature, a social creature – and

that the revealed *Shari'ah* sent down by Allah SWT, consists of commands and prohibitions, he explained that in any environment, at any time, and in any place where people gather, there must be things that are commanded and things that are prohibited. This is from the divine wisdom of Allah in His creation.

Then he said: "If the essence of the religion and all *wilāyāt* is *command and prohibition*, then the command with which Allah sent His Messenger ﷺ is the command to enjoin good (*al-ma'rūf*), and the prohibition with which Allah sent His Messenger ﷺ is the prohibition against evil (*al-munkar*)..." He continued and explained: "...and all Islamic *wilāyāt* have as their fundamental objective enjoining what is good and forbidding what is evil."

All *wilayat*, governing authorities, positions, offices, departments, and functions are, at their core, established for the purpose of enjoining what is good (*al-ma'rūf*) and forbidding what is evil (*al-munkar*). Just as this duty is binding upon every individual according to his circumstances and ability – as the Messenger of Allah ﷺ said in a hadith that applies broadly to all forms of evil:

من رأى منكم منكراً فليغيره بيده، فإن لم يستطع فبلسانه، فإن لم يستطع فبقلبه، وذلك أضعف الإيمان

"Whoever among you sees an evil, let him change it with his hand; and if he is not able, then with his tongue; and if he is not able, then with his heart – and that is the weakest of faith"

Likewise, this obligation applies – by way of binding responsibility – to *wilāyāt*, administrations, and governing authorities. They are entrusted not merely with administrative tasks, but with the execution of this

foundational religious duty.

He, *Rahimahullah* said: Included among these authorities [upon whom the responsibility for enjoining good and forbidding evil applies] is the *Wilāyat al-Ḥarb al-Kubrā* (Major Military Governorship), such as the *Niābat al-Salṭanah* (Deputyship of the Sultanate). Among the highest forms of *wilāyāt* (governorships), positions, and offices in the state during his time was the *Wilāyat al-Niyābah* (Deputy Governorship), also referred to as the *Niābat al-Salṭanah*. This position was generally equivalent to what is now known as the Chief of Staff or the Commander-in-Chief of the armed forces.

One of the most prominent figures to hold such a position was Ṣalāḥ al-Dīn al-Ayyūbī—may Allah have mercy on him—who served as the military commander under Nūr al-Dīn R.A., the just and noble *sultan* known for his virtuous legacy—may Allah have mercy on him. Later, Ṣalāḥ al-Dīn became *sultan* himself and personally undertook the *jihād*. This was the practice of the righteous *sultans*: some led the *jihād* directly, while others delegated its responsibility to the *Nā'ib al-Salṭanah* (Deputy of the Sultanate). This deputyship used to be the greatest *wilāyah* after the *khalifah*.

The primary responsibility of the *Khalīfah* is the fulfillment of *al-Amr bil Ma'rūf wa Nahy 'An al-Munkar* (enjoining what is right and forbidding what is wrong). The various *wilayat*, governorships or delegated authorities under his leadership—each extending from his overarching authority—have been systematically described by classical scholars such as al-Māwardī, Abū Ya'lā, Ibn Khaldūn, al-Azraqī, and others who have written extensively on *al-siyāsah al-shar'īyyah* (Islamic governance) and *al-aḥkām al-sulṭāniyyah* (rulings related to authority). Among them is also Ibn

Ḥazm, who authored a distinct work on the subject.

These scholars unanimously regarded such *wilāyāt* as extensions or branches of the supreme *wilāyah*—namely, the *wilāyat al-khilāfah* (the authority of the Caliphate) or *al-imāmah al-‘uẓmā* (the supreme leadership).

From the office of the *Imām*, various *dawāwīn* (departments) and administrative positions emerge. All of these, as Shaykh al-Islām Ibn Taymiyyah stated, exist for a common purpose: the establishment of *al-Amr bil Ma‘rūf wa Nahy ‘An al-Munkar*, as they all stem from the same source of authority and responsibility vested in the Khalīfah. This applies to every form of *wilāyah*, whether it is of higher rank—such as *Niābat al-Saltānah* (the vice-regency of the sultanate)—or any other level of delegated governance.

Then he said:

And the lesser *wilāyāt* include

- *Wilāyat al-Shurṭah* (Governorship of the Police),
- *Wilāyat al-Ḥukm* (Governorship of Judgement),
- *Wilāyat al-Māl* (Governorship of Wealth, i.e., financial departments),
and
- *Wilāyat al-Ḥisbah*.

All these *wilāyāt* and all *dawāwīn* (government departments) also ultimately exist for the same essential purpose: *al-Amr bil Ma‘rūf wa Nahy ‘An al-Munkar* – enjoining what is right and forbidding what is wrong.

This underscores a fundamental difference between the purpose of authority in Islam and its purpose in man-made legal systems and secular ideologies—a distinction that must be clearly understood. In secular

systems, when the state expands its military, police, or other enforcement agencies, the goal is limited to preserving public order, exerting control over the population, and ensuring security – nothing beyond that.

Shaykh al-Islām explicitly warned against such a narrow understanding in another place outside of *Qā'idah fī al-Ḥisbah*, where he stated: “The purpose of the *Sharī'ah* is not merely the control of the common people.”

In other words, every person in a position of authority – no matter their rank or specific office within the Islamic state – must understand that the goal is not merely administrative regulation or public order. Rather, their responsibility is grounded in a higher objective: to establish and uphold the religion through the enjoining of good and the forbidding of evil.

He – may Allah have mercy on him – said: “The purpose of the *Sharā'i'* (divine legislations) revealed by Allah is not merely the control of the common people, but rather their rectification, both inward and outward.”³

Man-made laws do not concern themselves with anything called inward rectification. They regard such matters as “ethical principles,” which, in their view, are the domain of moral philosophers, and therefore irrelevant to their system. What concerns them is only external regulation. This

³ Shaykh al-Islām is correcting a reductionist understanding of the *Sharī'ah*, emphasizing that its goal is not merely political or administrative order, such as law enforcement, bureaucratic efficiency, or controlling public behavior.

Rather, the higher objective (*maqṣad*) of the *Sharī'ah* is:

- Inward reform (*ṣalāḥ bāṭinan*): purification of hearts, sincerity, belief, intentions.
- Outward reform (*ṣalāḥ ṣāḥiran*): proper action, justice, morality, social harmony.

He is warning rulers and officials in Islamic governance not to see their job as only keeping people “in check” – but to remember that the system exists to cultivate *taqwá*, virtue, and genuine moral rectitude.

highlights the profound distinction between man-made laws, devised by the ignorant and driven by whims, opinions, and conjectures, and the *Sharī'ah* of *Aḥkam al-Ḥākimīn* (the Most Just of Judges, *Subḥānahu wa Ta'ālā*)—a divine law revealed to reform the hearts and heal their ailments.

He *Rahimahullah* then said: “Rather, the purpose of the *Sharī'ah* is inward and outward rectification, for both the elite and the common people—for the ruler and the ruled, the manager and the managed, the leader and the subordinate—in worldly life (*al-ma'āsh*) as well as the Hereafter (*al-ma'ād*).”

Even when man-made laws manage to regulate anything, they only regulate worldly matters—*al-ma'āsh*. As for *al-ma'ād*, the Hereafter, they neither govern it nor concern themselves with it. In this way, the grandeur and comprehensiveness of the concept of *wilāyah* in the *Dīn* of Allah, Blessed and Exalted, becomes manifest.

Sensing a potential objection that some might raise, he pre-emptively clarified the matter. One might ask: *Are not the punishments legislated by Allah intended to control the general public in their worldly life?*

He responded: “But indeed, some of the punishments legislated in this worldly life are for the regulation and control of the common people.” They serve as a deterrent to restrain them. As ‘Uthmān ibn ‘Affān (may Allah be pleased with him) said:

إِنَّ اللَّهَ يَزَعُ بِالسُّلْطَانِ مَا لَا يَزَعُ بِالْقُرْآنِ

“Indeed, Allah deters through the authority (and leaders) what He does not deter

through the Qur'an."⁴

This aspect of deterrence is a necessary and legitimate function of governance, firmly grounded in divine legislation. Allah has revealed in His *Shari'ah* that which is fully sufficient for this purpose. Therefore, this function must be placed under executive authority, such that one of its clear and intended aims is not only to establish justice, but also to enforce

⁴ The statement of 'Uthmān ibn 'Affān R.A., "Indeed, Allah restrains through the Sultan what He does not restrain through the Qur'an," has been widely cited and explained by scholars across generations. Its meaning is that state authority – by means of law enforcement, legal penalties, and executive power – often deters wrongdoing in ways that spiritual admonition alone may not.

Al-Khwārazmī (d. 383 AH) explained in *Mufīd al-'Ulūm wa Mubīd al-Humūm* (p. 407) that *sultānah* (political authority) and *imāmah* (leadership) are essential to the survival of both religion and civilization. He wrote: "Allah has two guardians over His creation – angels in the heavens, and rulers on earth – because human beings are social by nature and need order and protection."

Similarly, Ibn al-Athīr (d. 606 AH), in *al-Nihāyah fī Gharīb al-Ḥadīth* (5/180), explained: "In the narration: 'What the Sultan restrains is more than what the Qur'an restrains' – the meaning is that more people are deterred from major sins out of fear of the ruler than out of fear of Allah or the Qur'an." It is because of the prevalent weakness of the *Iman*.

Shaykh al-Islām Ibn Taymiyyah (d. 728 AH) offered multiple insights on this point. In *Majmū' al-Fatāwā* (11/416), he said: "Among the benefits of the prescribed worldly punishments is the disciplining of the general public. As 'Uthmān ibn 'Affān said: 'Indeed, Allah restrains through the Sultan what He does not restrain through the Qur'an.'" He explained that hypocrites and the wicked are often not deterred except by visible punishment and consequences.

Elsewhere, in *Majmū' al-Fatāwā* (28/107), and as quoted by Ibn al-Qayyim in *al-Turuq al-Hukmiyyah* (2/683), he wrote: "Enjoining good and forbidding evil cannot be fulfilled without applying the legal punishments (*'uqūbāt shar'iyyah*), for indeed Allah restrains through the Sultan what He does not restrain through the Qur'an."

Al-Shāṭibī (d. 790 AH) made a similar observation in *al-I'tisām* (1/293): "Admonition and warnings related to the Hereafter often do not move many souls – unlike worldly consequences. That is why the *Shari'ah* legislated punishments and deterrents. Indeed, Allah restrains by the Sultan what He does not restrain by the Qur'an."

Thus, this saying is an acknowledgment of human weakness and the practical necessity of enforcement of law through just rulers. For many people – especially those weak in faith – it is the authority of the state, not the appeal to conscience, that deters them from violating the law. Therefore, the *Shari'ah* harmonizes both dimensions: spiritual guidance through revelation and social order through executive power.

the law and deter wrongdoing effectively.

4.2 Divisions of the *Dawāwīn* and the Relationship Between Them

We now turn to the categorization of the *dawāwīn* (administrative departments) and the relationship between them.

The First Dīwān is what was historically known as *Dīwān al-Tanfīdh* (Department of Implementation), *Dīwān al-Ḥijābah* (Chancellery), or *Dīwān al-Salṭanah* (Royal Authority). These classical terms refer to what we would now call the Head of Government—commonly referred to today as *al-ḥukūmah* (the government), *al-wizārah* (the cabinet), or, in modern political and legal terminology, the executive branch. While this is not the main subject of our discussion, understanding this structure provides important context.

Attached to this *dīwān* are the military and armed forces, as they serve as the executive arm through which the authority enforces its policies and decisions. These forces fall under one of its ministries—what is now known as the Ministry of War or Ministry of Defense.

The Second Dīwān is *Dīwān al-Maẓālim* (the Department of Grievances). The key distinction between this department and the judiciary (*qaḍāʾ*) or *ḥisbah* lies in the identity of the accused. *Maẓālim* cases involve wrongdoers who are part of the ruling authority or who act on behalf of the government in an official capacity. Therefore, if a grievance is filed against a government office, a ruling authority, or an official acting in their capacity as a representative of the state, the case falls under the jurisdiction of *Dīwān al-Maẓālim*.

This is because only such a department holds the authority necessary to

hold officials and institutions accountable, and to deliver justice to those who have been wronged by those in power.

This principle has long been upheld by Islamic states and dynasties, dating back to the time of ‘*Umar ibn ‘Abd al-‘Azīz* (may Allah have mercy on him), who personally took on this heavy responsibility. It is also reported that ‘*Abd al-Malik ibn Marwān* designated a specific day to hear and address *mazālim* cases.

However, as previously noted, the *al-Khulafā’ al-Rāshidūn* (Rightly Guided Caliphs) did not operate with strict bureaucratic categorization. They handled all such responsibilities themselves without distinguishing by formal departmental titles, because their focus was on fulfilling the substance of the duty and delivering justice, rather than relying on structured labels and administrative divisions that later generations introduced.

Later on, Islamic states came to adopt the practice of formally designating the *Dīwān al-Mazālim* (Department of Grievances) as the institution responsible for adjudicating all complaints brought against the state, its ruling authority, or any of its officials acting in an official capacity. This ensured that the rights of the people could be protected even when the accused party was part of the government.

The Third Dīwān is *Dīwān al-Qaḍā’* or *Wilāyat al-Qaḍā’* (the Judiciary or Judicial Authority), which is well known and widely recognized. Its role is to resolve disputes and adjudicate between litigating parties, whether related to financial claims, contracts, family matters, or other civil and criminal cases. This *dīwān* occupies a central and essential role in the life of the Ummah, and its jurisdiction has been clearly established

throughout both classical and contemporary Islamic legal tradition.

The Fourth Dīwān, which is the focus of our present discussion, is *Dīwān al-Ḥisbah* — the department responsible for *al-amr bi-l-ma'rūf wa-n-nahy 'an al-munkar* (enjoining what is right and forbidding what is wrong). This department represents a unique and vital function of Islamic governance, aimed at maintaining public morality, social justice, and adherence to Islamic ethical standards in daily life.

If the state, for the most part, operated within the framework of just these four *dīwāns*, then it becomes evident how vast and comprehensive their jurisdictions must have been — especially when compared to our present era, where responsibilities and functions are distributed among twenty, thirty, or even more ministries, agencies, and departments. All of these modern institutions can, in one way or another, be categorized under one of these four foundational *dīwāns*. Recognizing this helps us grasp the true scope of *Wilāyat al-Ḥisbah*, the weight it carried in the structure of Islamic governance, and how deeply it was valued by the Ummah. It also reveals the breadth of its role and responsibilities.

4.3 The Difference Between Ḥisbah and Judiciary

Imām al-Māwardī explained the distinction between *al-Ḥisbah* and *al-Qaḍā'* (the judiciary) in a clear and structured way that is worth presenting. He said:

Wilāyat al-Ḥisbah falls short of *Wilāyat al-Qaḍā'* in two respects:

The First Aspect: *Wilāyat al-Ḥisbah* is limited in that it does not include adjudicating general legal disputes that extend beyond clear and evident acts of wrongdoing (*munkarāt*). Therefore, matters such as contracts, financial transactions, and contested rights and claims are excluded from

the scope of *Ḥisbah*. In other words, the function of *al-ḥisbah* is not to arbitrate over disputed issues. Its role is to intervene in obvious cases of wrongdoing or to ensure the fulfillment of rights that are already established and uncontested. However, if the matter involves mutual disagreement, denial, or counterclaims, it falls under the jurisdiction of the judiciary (*al-qadā'*), where formal proceedings, evidence, and legal rulings are required. But when the right is clearly affirmed and not denied, the *muḥtasib* is authorized to enforce it directly.

The Second Aspect: The scope of *al-ḥisbah* pertains strictly to recognized and undisputed rights. It does not extend to situations involving denial, dispute, or conflicting claims (*tajāḥud wa-tanākur*) between parties.

Comment from the editor:		
The differences above have been summarized in the table below:		
Aspect	<i>Ḥisbah</i> (<i>Muḥtasib</i>)	<i>Qadā'</i> (Judge)
Type of Violation	Clear, publicly visible violations	Any claim, including hidden or disputed
Type of Right	Acknowledged, undisputed duties	Disputed, denied, or controversial rights

Wilāyat al-Ḥisbah surpasses *Wilāyat al-Qadā'* in two respects:

The First Aspect: The *muḥtasib* has the authority to proactively examine and inspect matters that fall under enjoining what is right (*al-ma'rūf*) and forbidding what is wrong (*al-munkar*), even if no claimant is present to initiate a complaint.

This differs from the *qāḍī*, whose role is limited to cases where a complainant explicitly brings a claim and requests adjudication. The *qāḍī* does not initiate investigations on his own.

As for the *muḥtasib*, he is responsible for seeking out and investigating wrongdoing on his own initiative. For instance, if he learns that a man is unjustly withholding marriage from his daughters, he intervenes and rebukes him.

Likewise, if he finds that someone is neglecting the rights of an orphan under his guardianship, he steps in and holds him accountable. This is in addition to the core duties of the *muḥtasib*, such as supervising market transactions and similar responsibilities, which we will elaborate on if Allah wills.

The purpose of this clarification is to highlight a key distinction: once the administrative departments (*dīwāns*) are formally established, the *qāḍī* (judge) does not take action unless someone brings a legal complaint before him. His role is reactive and depends on the presence of a claimant.

By contrast, the *muḥtasib* acts proactively—he initiates inquiries, investigates public wrongdoing, and takes corrective action. For instance, if he detects a suspicious odor, he might say, “This could be an alcohol distillery,” and then proceed to investigate and eliminate the *munkar* (evil). If, while walking at night, he hears the sound of a *ṭunbūr* (lute) or *mizmar* (flute), he identifies it as a *munkar* and intervenes to stop it. If he comes across instruments of amusement or entertainment, he is obligated to break them. If he sees statues, he is required to destroy them.

This duty has a firm foundation in the Sunnah. The Prophet ﷺ once passed by a marketplace, placed his hand into a heap of food, and found

it damp underneath. He asked:

ما هذا يا صاحب الطعام؟

“What is this, O seller of food?”

He then said:

من غش فليس منا

“Whoever cheats is not from us.”

Another narration reads: من غشنا فليس منا – *“Whoever cheats us is not from us.”*

‘Umar ibn al-Khaṭṭāb R.A. used to do the same—he would patrol the markets, investigate, and intervene as needed. This is the role of the *muḥtasib*, not of the *qāḍī*.

The Second Aspect: The *muḥtasib* wields a type of authority that the *qāḍī* does not. This is because the office of *ḥisbah* is founded upon *rahbah* (awe and deterrence), whereas the judiciary operates on the principle of *munāṣafah* (impartial arbitration). This is precisely how Imām al-Māwardī described it, and Ibn Khaldūn quoted his statement word for word.

The function of al-*ḥisbah* being rooted in *rahbah* means that it is an executive authority designed to instill fear of consequences in the hearts of those who commit *munkar* (evil or wrong actions). In contrast, the function of the judiciary (al-*qaḍāʾ*) is not based on deterrence but on *munāṣafah*—fairness, due process, and impartial arbitration. The *qāḍī* maintains a balanced scale, listens equally to both parties, and issues rulings based on justice and evidence.

By contrast, the *wālī* or *muḥtasib* operates with a more direct and forceful mandate. His role is not limited to adjudication, but extends to

enforcement. He is, in a sense, both a judge and an enforcer. Upon becoming aware—whether through a report or personal observation—that a *munkar* has occurred, he does not wait for a formal complaint or lengthy proceedings. Rather, he immediately denounces the wrong and physically intervenes to eliminate it.

This illustrates a key juristic distinction between *Wilāyat al-Ḥisbah* and *Wilāyat al-Qaḍā'*: the former is proactive, enforcing good and forbidding evil through direct intervention; while the latter is reactive, addressing disputes through legal procedures and deliberation.

The Difference Between the *Muḥtasib* and the Volunteer

Scholars who have written on *al-aḥkām al-sulṭāniyyah* (constitutional rulings and Islamic governance) have outlined up to nine distinctions between the *muḥtasib* and the *muṭaṭawwi'* (volunteer), though these can be summarized as follows:

The *muṭaṭawwi'* is any Muslim who undertakes *amr bil-ma'rūf wa-nahy 'an al-munkar* (enjoining right and forbidding wrong) of his own accord, without being appointed to an official position. While the obligation to perform this duty still applies to him—as it does to all Muslims—he fulfills it voluntarily, not through formal state assignment.

This volunteer may address both obligatory matters and matters that are *makrūh* (disliked), and he bears any hardship, harm, or consequence that may arise in the course of doing so. However, he does not receive compensation from the *Bayt al-Māl* (public treasury), and he is not permitted to carry out *ḥudūd* (prescribed punishments), nor to enforce *ta'zīr* (discretionary penalties) or other punitive measures.

An exception exists only in rare and urgent cases—such as witnessing an

act of *fāḥishah* (blatant immorality, may Allah protect us), or seeing someone forcibly and unjustly seize wealth. In such cases, where immediate action is required and delay is impermissible, the volunteer may intervene out of necessity.

As for the *muḥtasib*, he is an official entrusted with *wilāyah* (governance and authority), possessing both executive power and enforcement capacity. Thus, he is permitted to do what the *muṭaṭawwi*‘ cannot – and even more, depending on the scope of his mandate.

4.4 The Difference Between the Authority of the Muḥtasib and That of the Qāḍī

The *Wilāyat al-Ḥisbah* (governance of the *ḥisbah*) is, broadly speaking, one of the most significant and wide-ranging areas of authority in the Islamic system. One of its key distinguishing features – setting it apart from the judiciary – is its capacity to impose immediate disciplinary action. This function is essential and must be carried out when needed.

Shaykh al-Islām Ibn Taymiyyah (may Allah have mercy on him) emphasized this point, saying:

"Enjoining good and forbidding evil cannot be fulfilled except through the application of sharʿī punishments. Verily, Allah restrains through the authority of the ruler what He does not restrain through the Qurʿan. The enforcement of ḥudūd (prescribed punishments) is an obligation upon those in authority."

However, there are two distinct categories of punishment in Islamic law:

1. **‘Uqūbāt Muqaddarah** (Fixed Punishments): These are the ḥudūd – such as the penalties for theft, adultery, and other major offenses – whose specifics have been legislated in the Qurʿan and Sunnah. These fall exclusively under the jurisdiction of the *qāḍī* (judge) due

to the need for formal procedures, evidence, and legal conditions.

2. **Ta'zīrāt** (Discretionary Punishments): These are not explicitly defined in the revealed texts but are left to the discretion of the authority. They include:

- Verbal reprimand (*tawbīkh*)
- Public rebuke or shaming (*tasfīh*)
- Corporal punishment (*ḍarb*)
- Detention or imprisonment (*ḥabs*)

These *ta'zīrāt* are within the jurisdiction of the *muḥtasib*, and he may carry them out directly, based on the circumstances and available evidence.

In some Islamic states in our history, the office of *ḥisbah* developed to such a degree that it possessed its own prisons, investigation protocols, case files, witness handling systems, and enforcement mechanisms – depending on how closely that state adhered to the Prophetic command regarding *Amr Bil Maruf Wa Nahy An Al-Munkar* and the degree to which it revived and honored this vital religious duty.

5. *Ṣalāḥiyyāt* (Authorities) of *al-Muḥtasib*



We now turn—briefly and from a *fiqhī* (jurisprudential) perspective—to discuss specific categories and levels of punishment that fall under the jurisdiction of *Wilāyat al-Ḥisbah*, followed by a general overview of the broader powers and responsibilities granted to this *dīwān* within the Islamic system of governance.

5.1 *First Category: Destruction of the Munkar (Wrong or Evil)*

Among the highest forms of punitive action the *muḥtasib* may carry out is the destruction of the *munkar* itself—particularly when the evil or prohibited item exists in physical form. This includes:

- Musical instruments such as flutes, reed pipes, drums, and similar objects.
- Even more serious than these: idols and statues; and so on.

For instance, if it is discovered that certain tribes or rural communities engage in forms of idolatry—such as worshipping stones or trees, or seeking blessings (*tabarruk*) from them—then it becomes the duty of the *muḥtasib* to:

- Cut down those trees,
- Demolish the stones,
- And completely destroy any idols involved.

This duty forms a central pillar of the *ḥisbah* institution: the physical removal and destruction of the *munkar*, so that reform is not merely verbal

or symbolic, but tangibly realized.

With the expansion of worldly affairs and the progression of civilization within the Muslim Ummah, new issues began to arise, which the jurists addressed in their discussions. One such matter was the ruling on adulterated milk – does it fall under that which must be destroyed? Some scholars held that it must be destroyed, citing as evidence the action of ‘Umar (R.A.), who poured out adulterated milk.⁵ Based on this, it became part of the *muhtasib*’s duty to inspect the markets, and if he came across adulterated milk, he would pour it out.

Other scholars held that it should not be destroyed, but rather given in charity. However, there is no substantial disagreement, *in shā’ Allāh*, when viewed from two angles:

First, from the standpoint that adulterated milk is not to be sold, and that its owner should be disciplined by having it destroyed: This is the position of those who supported its disposal. They stated that this falls under financial *ta‘zīr* (disciplinary punishment), which is valid and supported by various textual evidences from the Sunnah, the details of which are beyond the present scope. According to this view, the object of the *munkar*

⁵ There are two important aspects to consider in this relation:

- Norm (*Urf*) in a society; if it is a known practice in an area that certain amount of water is added to the milk before selling it and the consumers are also happy with it, then the *urf* will prevail, and the milk will not be considered deficient. This example can also be extrapolated to other similar situations.
- Whether such milk is to be destroyed or given in charity should also consider the hunger situation in an area. If the adulterated milk can still meet the nutritional needs of the community and does not contain harmful and poisonous chemicals, then the preferences should be given to distribute it in charity after seizure consider the *Masaleh* and prioritizing the needs of the community. And Allah knows best.

itself must be eliminated, and its destruction serves as a punishment for its owner, preventing him from returning to such deceit.

As for those scholars who held the view that the milk should not be poured out, their reasoning was that the milk remains drinkable, and that some people, before consuming milk, add water to it in any case. Based on this, they concluded that the milk should not be poured out, but rather distributed as charity.

I say: it is possible to discipline the owner of such milk—or any similar item (milk being merely an example)—by confiscating the product, after which the *muḥtasib* may take it and distribute it as charity to the needy.

Likewise, the owner of adulterated fruits, spoiled food, or anything of this nature—his merchandise should be seized and given to the poor, under the supervision of the *Wilāyat al-Ḥisbah* (the Office of Enjoining Good and Forbidding Evil).

Let us consider another case: if a garment is woven from silk, should it be destroyed or given in charity? The stronger opinion is that such an item should be destroyed.

As for *khamr* (intoxicants), they must be destroyed along with their containers. And regarding musical instruments, if someone were to ask: “Can their wooden components be repurposed for other uses?”—this view has indeed been mentioned in some *madhāhib*—but the more correct and preferred opinion is that they should be destroyed entirely, unless they are to be used as firewood or for heating.

Thus, among the duties of the *muḥtasib* is that if he comes across a *ṭunbūr* (lute), a *mizmar* (flute), a *ṭabl* (drum), or any similar musical instrument, he must destroy the instrument itself—regardless of its value or how high

its price may be.

Also included in this – unfortunately – is what is nowadays referred to as “men’s gold.” If someone visits the gold market and says, “I want to buy gold,” they are asked, “For a man or for a woman?” *Subhān Allāh!* Is there such a thing as “gold for men”, when it is clearly *ḥarām* for them?

Thus, it must be said to its vendors: the ruling is that it must be destroyed. However, if they reshape it or fashion it into something that is specifically worn by women, then there is no objection to that.

As for when a garment is fraudulently marketed – for instance, it is advertised as being 100% cotton while in reality it contains only 30% or 20% cotton – then this falls under the same category as adulterated milk. Should we say that it should be burned as a punishment for the seller? Some scholars have indeed held this view. Others have said it should be given in charity.

The essential point is that the seller must be penalized in order to deter him from repeating such deceit. This falls within the responsibilities of the *muḥtasib*, and the *fuqahā*’ have addressed such matters because they were actual, lived issues within the *Ummah*. The *Muḥtasib* would take action in such cases – it was a routine and accepted aspect of society.

At that time, there was no media attacking religious people or those engaged in *Amr bil Ma’rūf wa Nahy ‘An al-Munkar*, mocking or belittling them. There were no slanderous circles or gatherings of the corrupt and intoxicated who would revile the callers to Allah or the members of the *ḥisbah* authority. The entire *Ummah* understood that this was their obligation and responsibility, and no one had the right to interfere – unless the scholars issued a *fatwā* declaring that a particular action was

impermissible for them, such as: “Do not destroy this item,” or “Do such-and-such with it.” This is because they (the *ḥisbah* officers) were simply implementing what the scholars had ruled upon.

5.2 The second type: Changing the evil while its physical form remains.

This refers to cases such as the *qirām* (a decorative curtain) that was in the house of the Prophet ﷺ and had images on it. They were repurposed into two cushions that were stepped on. This is a significant *ḥadīth* narrated by Imām al-Bukhārī, Muslim, Aḥmad, Abū Dāwūd, and al-Tirmidhī, and Shaykh al-Islām Ibn Taymiyyah (raḥimahu Allāh) considered it one of the foundational evidences in this area.

The *ḥadīth* reports that when Jibrīl came to the Prophet ﷺ, he refrained from entering the house and said: “What prevented me from entering your house is that there is a statue inside.”

There was also the *qirām* in the house with images on it, and a dog was present as well. So what did the Prophet ﷺ do? How did he rectify the matter?

As for the statue, he cut off its head until it resembled the shape of a tree. As for the *qirām*, they were cut it into two cushions that were placed on the ground and stepped on.

This indicates that images which are degraded and humiliated – such as when they are placed on bedding and walked over – are excused. However, in our time, we have been afflicted with an overwhelming abundance of images – too many to count or enumerate – appearing on everything.

As for the dog, it was removed because it is a living being.

This *ḥadīth* serves as a foundational reference concerning the various types of *taghyīr* (change).

The Prophet ﷺ did not apply a single, uniform ruling in all cases – for instance, he did not destroy the idol, burn the curtain, and kill the dog. Rather, each was dealt with in its appropriate manner.

This reflects the divine wisdom in the legislation revealed by Allah – Blessed and Exalted is He—who is *Aḥkam al-Ḥākimīn* (the Wisest of Judges).

Thus, the *munkar* (evil or wrong) is either to be destroyed (*itlāf*) or altered (*taghyīr*).

As for televisions, cassette tapes that contain music, or video tapes – they too fall under two categories depending on the *maṣlaḥah* (public interest or benefit). If the benefit lies in punishing the owner, then these items are to be burned or destroyed – especially if they contain obscene images or immoral songs. Such items must be destroyed and burned.

However, if it is determined that they can be repurposed for beneficial use – such as recording useful Islamic content over them – then there is no harm, and that falls under the category already discussed. The matter is broad and flexible, and left to the discretion of the *Muḥtasib*. A *mujtahid*, *muftī*, or scholar may issue a *fatwa* based on what appears stronger to him, and there is no harm in that. This issue returns to what serves the best interest (*maṣlaḥah*).

6. The Duties of the *Muhtasib*



What are the specific duties and responsibilities of the *Muhtasib*? And what is the scope of his jurisdiction? We discuss these aspects in the current chapter.

6.1 *Reprimanding Those Who Neglect the Prayer*

Is *Muhtasib*'s role simply to drive by in a vehicle with a loudspeaker saying, "Pray!?" Is that what *Wilāyat al-Ḥisbah* truly entails? Is that the actual work of the *Muhtasib*? No. This is something any one of us should be doing. Every one of us, in his own neighborhood, must regularly pass by the shops, gatherings, and people and remind them daily about the prayer. This should continue until it becomes so habitual that, if you happen to walk through a street — even without intending to remind anyone about prayer, and without even knowing whether the *adhān* has been called — the people themselves should say, "Let's rely on Allah!" and get up to go pray.⁶ It should become firmly rooted in their minds that your presence means a reminder of Allah and of establishing His rituals. [All of us should strive to be like this and be a source of reminder for each other]

If we train people to this level of awareness, then perhaps, if I were to advise them one day and they feared me, and then another person came

⁶ The shaykh is describing the situation where the community becomes so accustomed to being reminded about prayer by an individual that the mere presence of that religious person causes them to act — even without being told. It's about building a culture of awareness through consistent reminders.

— not intending to command or forbid — or if I came again not intending to command or forbid, they would already have a deeply ingrained image of the initial encounter. Just seeing someone in that position, they might say: “We’re ready, Shaykh, we’re ready!” You’d be surprised, not knowing that someone else had already enjoined good before you!

So, if we revive this great ritual within society, the student of knowledge regains his rightful status — simply by being seen, because he represents the religion of Allah, striving to establish it and to raise His word high.

So this reminder about prayer is something in which every Muslim should participate in. As for the *Muḥtasib*, his responsibility involves enforcement and disciplinary action. If the time for prayer arrives and someone has not closed his shop, we advise him gently, with wisdom and good manners, and present to him a *fatwa* from Shaykh ‘Abd al-‘Azīz Ibn Bāz, or Shaykh Ibn ‘Uthaymīn, or other scholars. If he still refuses to comply, we then call upon the *Muḥtasib*: “O *Muḥtasib*! Come, for this man is being disobedient.” The *Muḥtasib* then engages him—either with a good exhortation or with force. That is his role when it comes to the matter of *ṣalāh* (prayer).

As for what is happening now, where the *Muḥtasib* merely drives around calling out, “Pray!” — while clubs and shops remain open—and he only passes by five shops at most, if time permits, and the prayer is established without him having done anything meaningful, this is a clear shortcoming. Yet even with this leniency, some people say to *mutasibs*: “When you pass by us, speak kindly!” — as if what is being done is harsh or violent—while in reality, it is not even 1% of the actual role of the *Muḥtasib*. This (light reminder) is something any one of us is obligated to do.

Among the responsibilities of the *Muhtasib* is disciplining those who neglect attending *Jumu'ah* prayer and the congregational prayers. For this reason, the Prophet ﷺ said: “Were it not for the women and children in the houses, I would have ordered the prayer to be established, then appointed a man to lead the people in prayer, and gone to those who do not attend the prayer and burned their houses down upon them.”

This is the Prophet ﷺ – who was deeply concerned about the prayer – encouraging us to attend the prayer standing in the first row and to catch the opening *takbīrah*. He commands that the prayer be established without delay, so that those already in the masjid are not kept waiting for the latecomers. Then he speaks of going to those who are absent from the congregation and burning their houses.

So, the task of the *Muhtasib* is to punish those who fail to attend the congregational and *Jumu'ah* prayers. Scholars have even included under his jurisdiction matters like the *Īd* prayers and *Ṣalāt al-Istisqā'* (the rain prayer). Even though these may not be obligatory, he is still to urge the people strongly to attend them.

6.2 Supervising Commerce and Markets

Among the duties of the *Muhtasib* – which was indeed implemented in the Islamic state for the most part – was complete oversight of commerce and markets. In all the Islamic provinces – such as al-Andalus, Miṣr (Egypt), Baghdād, Khurāsān, and others – people understood that the entire market operated under the supervision of the *Muhtasib*. His responsibilities included:

- monitoring transactions for fraud,
- ensuring honesty in weights and measures, and

- upholding standards of product quality; and so on.

Even matters related to currency and monetary exchange fell under a regulated system overseen by this office. [The *Muhtasib*'s role ensured both economic integrity and public trust in the marketplace.]

The *Muhtasib* would also oversee activities related to *al-kīmāwīyyah* (alchemy/chemistry), as Ibn Taymiyyah—may Allah have mercy on him—mentioned in his treatise on *al-Ḥisbah*: “He oversees the alchemists who fraudulently attempt to transform base metals into precious ones.”

They had systems in place similar to **modern laboratories for quality assurance and standards**—what we might today refer to as a Standards and Metrology Authority. All of this fell under the purview of *al-Ḥisbah*.

6.3 *Public Morality*

Likewise, oversight of marketplaces and public thoroughfares—including preventing gender mixing and monitoring suspicious locations—also fell within his responsibilities.

The *Muhtasib* was to investigate any location that aroused suspicion in order to eliminate its cause. If he saw a man and woman together in a questionable situation, for example, or witnessed any activity that appeared shady or ambiguous, it was within his authority to take action. This is a broad domain, and one can only imagine how many rulings fall under its scope.

6.4 *Maintenance of Cities, Roads, and Bridges*

Among the responsibilities under the jurisdiction of *Wilāyat al-Ḥisbah* was the maintenance and repair of urban infrastructure, including roads within the city's domain. Violations involving public spaces—such as

encroachments upon public roads — did not fall under the authority of the *qāḍī*, whose role was limited to adjudicating disputes between litigating parties. Nor were such matters typically handled by the police, as they lay outside the scope of their usual duties.

Instead, all such issues were handled by the *Muḥtasib* under the authority of *al-Ḥisbah*. This included situations where someone encroached upon a public road or infringed upon the rights of others—for example, by spreading out merchandise into the public marketplace, thereby obstructing public access or causing harm to fellow vendors and passersby.

During the time of Imām Aḥmad, some individuals attempted to exploit public street laws by constructing a masjid along a commonly used pathway and then extending its structure in a way that obstructed the road. Imām Aḥmad — may Allah have mercy on him — ruled that it must be removed, stating that their intention was not genuinely to establish a place of prayer, but rather to use the masjid as a pretext to extend their building along its alignment and encroach further into public space [i.e., they sought to gain control over part of a public thoroughfare by building a religious structure on it, assuming that the sanctity of a masjid would protect it from demolition or objection. In reality, their motive was to legitimize a private appropriation of public land under the guise of religious piety].

Monitoring the condition of the city was also among the duties of the *Muḥtasib* — to the extent that if the city walls collapsed or the frontiers (*thughūr*) became exposed and vulnerable, it was the *Muḥtasib*'s responsibility to alert the relevant authorities to these weaknesses in defense. Similarly, the upkeep of bridges (*qanāṭir*) and elevated walkways

also fell under his jurisdiction. It was part of his role to monitor their condition and urge the community to maintain them.

For this reason, we will later outline the various roles and administrative responsibilities carried out by the *Muhtasib*, comparing them to the functions of modern-day government departments.

6.5 Preventing Prohibited Transactions

Included – as stated explicitly by Shaykh al-Islām (may Allah have mercy on him) – within the responsibilities of the *Muhtasib* is oversight over all forms of transactions and contracts. This includes ensuring that contracts comply with *Shari‘ah* and prohibiting dealings based on *ribā* (usury). It is the duty of the *Muhtasib* to prevent the consumption of *ribā*, to dismantle its establishments and hubs, to eliminate them, and to deter those engaged in such dealings – because those involved in *ribā* are usually complicit and enter such transactions willingly, not under compulsion.

In most cases, *ribā* is conducted with mutual consent. So who would come forward and file a complaint saying: “He took interest from me”?!

Thus, the *Muhtasib* investigates and seeks out such cases. This includes other impermissible commercial practices as well – such as *najsh*, which refers to artificially inflating prices without any real intent to purchase. This is seen, for example, in car dealerships where loudspeakers blare from afternoon till late at night, and much of it is pure *najsh* – except for those whom Allah has shown mercy. Addressing this is part of the *Muhtasib*’s responsibility.

Similarly, *talaqqī al-rukkbān* (intercepting rural traders before they reach the marketplace to exploit them) when they come now to the wholesale markets – often full of fraud and deception – is also within the jurisdiction

of the *Muhtasib*.

So these were major responsibilities, explicitly stated by Shaykh al-Islām, and discussed extensively by the scholars of *fiqh*.

Some scholars stated that among the duties of the *Muhtasib* is the regulation of prices. This, however, is a matter of juristic disagreement – there is a well-known and significant difference of opinion among the scholars regarding whether *tas'ir* (price-fixing) is permissible or not.

Nevertheless, this discussion makes clear that all financial and commercial matters and transactions fall under the oversight and supervision of the *Muhtasib* and the *Dīwān al-Ḥisbah* (Department of *Ḥisbah*).

In every marketplace and every district, there was a centre or office for the employees of *Ḥisbah*. They were always present, for this was their concern and their appointed responsibility – they could neither neglect it nor withdraw from it.

This is how all Islamic states functioned throughout history, until the well-known decline that eventually took place.

7. Forms of Ḥisbah in Contemporary Governments



What still remains to be examined [in this book] is: Which departments and government bodies in our present age correspond to the historical *Dīwān al-Ḥisbah*? If a proper *Dīwān of Ḥisbah* were to be re-established today and vested with its full authority, one must ask: which of the existing governmental institutions could be considered as falling under its jurisdiction, or as extensions and subdivisions of its responsibilities?

This question is essential for understanding how the classical concept of *al-Ḥisbah* might be revived or integrated into contemporary state structures, particularly in societies that seek to align their governance with Islamic principles.

And just imagine—if the roles and functions described below were formally recognized as religious duties, grounded in *ḥisbah* and carried out sincerely for the sake of Allah—what would their condition be [in terms of excellence, integrity, and accountability]? And what would be the state of the *Ummah* [in terms of unity, strength, and moral leadership] if such responsibilities were embedded within one of its core institutions: the *Wilāyah* of *al-Amr bi-l-Ma'rūf wa-n-Nahy 'ani-l-Munkar*, or *Wilāyat al-Ḥisbah*?

7.1 *The Police and the Civil Rights Administration*

Some of the responsibilities currently assigned to modern police departments—particularly those handled by what is now known as the Department of Civil Rights—also fall within the traditional scope of *al-Ḥisbah*. This is because the primary role of civil administration is to enforce

established rights, rather than to adjudicate disputes or litigated claims.

When a right has been firmly established, and its fulfillment is obligatory upon the one responsible, the duty to enforce it traditionally fell under the jurisdiction of the *Muhtasib*. Now imagine: if such departments – and the officers assigned to them – were placed under the authority of a revived *Dīwān al-Ḥisbah*, their duties would no longer be regarded merely as administrative or bureaucratic. Instead, they would be seen as fulfilling a religious obligation rooted in the institution of *Ḥisbah*, carried out in accordance with *Sharʿī* legal norms and jurisprudential guidelines, and executed under the guidance of *fatwā* and the rulings of qualified scholars.

How would the state of security be under such a system? Without doubt, safety and stability would spread and prevail. Crime rates would significantly decrease – perhaps even vanish altogether, by the permission of Allah Almighty. This is because the fear of prolonged litigation and judicial delays would be removed. Anyone with an established right could confidently approach the officials of *Wilāyat al-Ḥisbah* and receive what is due to them swiftly and justly. And anyone who procrastinated or failed to fulfill their obligations would be firmly deterred.

Indeed, the scholars have stated – almost unanimously across the classical legal texts – that one of the clear duties of the *Muhtasib* is to extract the rightful dues from those who delay payment unjustly, especially when they are wealthy and capable of fulfilling their obligations.

This very function is currently managed by what is now referred to as the Department of Civil Rights – a borrowed term. However, the matter is not one of terminology; the core responsibility, in essence, falls within the

jurisdiction of the *Dīwān al-Ḥisbah*.

7.2 Municipalities (*al-Baladiyyāt*)

Today, we have municipal authorities responsible for overseeing bridges, roads, and market regulation—but in truth, all of these functions traditionally fall under the jurisdiction of *al-Ḥisbah*. The various departments currently operating under municipal governance in each district—if instead placed under the authority of the Commission for Enjoining Good and Forbidding Evil, and made subject to *fatwā* and *Sharʿī* jurisprudential oversight—you would witness a profound transformation in the state of the *Ummah*, moving it toward greater righteousness, order, and moral integrity.

Such a system would prove far more effective in curbing corruption, bribery, and other issues that need not be elaborated here—issues that, unfortunately, are all too familiar to everyone.

Most people are familiar with municipalities and have experienced both the positive and negative aspects of interacting with them. To many, these institutions often appear more like a formality or bureaucracy. But if the municipality were established upon a *Sharʿī* foundation, you would see justice, and goodness would spread throughout the society. The functions carried out by the municipalities—such as road and bridge maintenance, preventing encroachments, market supervision, and the destruction of fraudulent goods—are all matters that the jurists have explicitly stated fall under the responsibility of the *Dīwān al-Ḥisbah*.

7.3 Ministry of Commerce (*Wizārat al-Tijārah*)

Likewise, the Ministry of Commerce and its affiliated departments—such as the Department for Combating Commercial Fraud and the Commercial

Inspection Offices—fall, as affirmed by the statements of the jurists, within the scope of *al-Ḥisbah*. If the various branches of commerce were placed under the jurisdiction of *Wilāyat al-Ḥisbah*—that is, under those who enjoin good and forbid evil—and formally categorized as part of the *Sharʿī* system, governed by *Sharʿī* rulings and jurisprudential guidelines, then these affairs would be more effectively regulated, and goodness and reform would prevail, by the will of Allah.

This is not to suggest that there are no righteous individuals within the municipalities, the police force, the civil rights offices, or the Ministry of Commerce—on the contrary, all praise is due to Allah, for there are indeed people in these sectors who uphold the truth: those who enjoin good, forbid evil, refuse bribes, and act with honesty and integrity. However, the point here is not to evaluate individuals, but rather to speak about the foundational structure of the *wilāyah*—the governing authority itself.

There is a profound difference between feeling that I am part of *al-Hayʾah*—the Commission for the Promotion of Virtue and the Prevention of Vice—where I perceive myself as a representative of the *Sharīʿah*, a representative of the *Dīn* itself: in my movements, my speech, my daily responsibilities, and in aligning all my actions with the rulings of Islamic law—versus feeling that I am merely a bureaucratic employee, carrying out a set of procedural tasks handed down to me. In the latter case, I may violate those procedures without sensing any sin, or exceed them without realizing that I have overstepped a legal boundary.

This is precisely why we began this discussion by clarifying that the core purpose of all forms of *wilāyah* (governance) is that the *Dīn* be entirely for Allah, and that good be enjoined and evil be forbidden.

7.4 Civil Defense (*al-Difā` al-Madani*)

As for Civil Defense, with all its branches and responsibilities, the *fuqahā`* have clearly stated in the classical works of *Aḥkām Sultānīyyah* (jurisprudence related to governance) that it falls within the jurisdiction of *al-Ḥisbah*. Civil Defense today carries out tasks such as inspecting shops to ensure there are no fire hazards, checking electrical wiring, verifying the presence and functionality of fire extinguishers, and other similar safety measures. These very duties—within the context of their time—were explicitly listed among the responsibilities of the *Muḥtasib*.

So just imagine: if these resources—with all their equipment, tools, and vehicles—were placed under *al-Hay`ah* (the Commission for the Promotion of Virtue and the Prevention of Vice), operating with a mindset rooted in *Shar`ī* obligation and moral accountability!

In some Civil Defense stations, months may pass—*praise be to Allah*—without a single fire or major incident. During this time, one may find the personnel either sitting idle, passing time in play, or—if they are among those who remember Allah—engaging in *dhikr*. Meanwhile, *al-Hay`ah* (the Commission for the Promotion of Virtue and the Prevention of Vice) is in urgent need of even a single additional member but is unable to find the necessary manpower.

So why not reassign individuals in such departments—especially those whose roles are largely unproductive—to an active and vital institution that truly requires energy, presence, and human resources? After all, their salaries are drawn from the same public funds—from the wealth of the Muslims—and in that regard, there is no difference.

When we adopt the *Shar`ī* classification of governance into distinct

Wilāyāt (authorities or jurisdictions), we find that it resolves many administrative challenges and brings clarity and structure to public affairs. This also includes matters related to civil defense – such as rescue operations, firefighting, and the prevention of causes of destruction and harm. All of these responsibilities, within the proper and well-ordered framework of an Islamic state, fall under the authority of the *Dīwān al-Ḥisbah* or *al-Hay'ah li-l-Amr bi-l-Ma'rūf wa An-Nahy 'an Al-Munkar* (the Commission for Enjoining Good and Forbidding Evil).

7.5 Combating Narcotics

Combating narcotics is likewise included. Substances like *hashīsh* were known in earlier times, but the difference today lies in the fact that production has become “advanced” and modernized – industrialized in the American style! Yet the harm that existed before continues to exist. Naturally, this issue used to fall under the jurisdiction of the men of *ḥisbah*. Therefore, the task of combating narcotics, along with its agencies and operations, should also be integrated under *al-Hay'ah* within the *Dīwān al-Ḥisbah*. In doing so, it would become a body that is more beneficial, more effective in its operations, more capable in fighting the problem, and more respected and feared by the people – because it would then function as a *Shar'ī* authority, governed by *Shar'ī* rulings, adhering to the *fatāwā* of the scholars, and fulfilling its duty in the best possible manner.

7.6 Ministry of Awqāf

Some of the powers currently assigned to what is now called the Ministry of *Awqāf* (Religious Endowments) are, in fact, explicitly listed in the classical works of Islamic governance (*Aḥkām Sulṭāniyyah*) as among the

core responsibilities of the people of *Ḥisbah*—those entrusted with enjoining good and forbidding evil.

Among the most important of these is ensuring that an innovating *imām* (*imām mubtadi`*) is not appointed to lead the prayer in the *masajid*. The men of *ḥisbah* would step in and remove such an innovator or heretic (*zindīq*) from the position of imamate, and replace him with a righteous *imām*.

Likewise, preaching (*al-wa`z*) is also one of the aspects and functions of *al-Amr bi-l-Ma`rūf wa-n-Nahy `ani-l-Munkar* (enjoining good and forbidding evil).

Constructing mosques, maintaining them, and caring for them is included in the verse:

فِي بُيُوتٍ أُذِنَ لِلَّهِ أَنْ تَرْفَعَ وَيُذْكَرَ فِيهَا أَسْمُهُ يُسَبِّحُ لَهُ فِيهَا بِالْغُدُوِّ وَالْآصَالِ

“That light shines` through houses` of worship` which Allah has ordered to be raised, and where His Name is mentioned. He is glorified there morning and evening” [An-Nūr: 36]

— meaning, raised both in their physical structure and in status.

They must be elevated in the hearts of people, such that they become the most honoured, sacred, and central places in their lives — so that the most important feature of any neighbourhood is the mosque. What we do not want is dozens of luxurious villas surrounding a worn-down, neglected mosque, whose washrooms are in such poor condition that one cannot even perform *wuḍū`* properly. Such a mosque has not been elevated — neither in structure nor in status.

﴿أُذِنَ لِلَّهِ أَنْ تَرْفَعَ﴾ must be realized both physically and spiritually.

The application of the above command also extends to the physical

realm — that is, tall buildings should not overshadow the mosques. Even more reprehensible is when such towering structures are places where what Allah has prohibited is openly practiced — such as a bank engaging in interest-based transactions rising above a mosque, as is the case with the Saudi-French Bank towering over the *masjid*. It is a tragic sign when institutions of sin are elevated — both physically and symbolically — above the houses of Allah. This reflects a deeper crisis: the failure to honor and uphold the symbols (*sha‘ā’ir*) of Allah. And it is this neglect that has led to the unfortunate realities we now witness.

Likewise, safeguarding people’s time from being wasted, and upholding the value of time and regulating it properly — all of this, both from a *Shar‘ī* and practical perspective throughout the Islamic centuries — falls under the responsibility of the *Muhtasib* and the *Dīwān al-Ḥisbah*.

7.7 Health Affairs

The scholars have stated that among the responsibilities of the *Dīwān al-Ḥisbah* is the supervision of physicians, verifying who among them is skilled and who is not, and prohibiting the unqualified from practicing medicine. This includes monitoring midwives (*qawābil*), issuing warnings about them, and ensuring the separation of men and women. Everything we now consider to fall under medical oversight was, according to the earlier scholars, placed under the jurisdiction of the *Muhtasib*.

Likewise, forbidding the so-called “healing” practices involving sorcery, witchcraft, or divination is among the duties of the *Muhtasib*. He must investigate, listen, and observe — if he finds that people are frequenting a certain individual, he follows up on the matter; and if that individual turns out to be a sorcerer (*sāḥir*), the prescribed legal punishment (*ḥadd*)

is carried out on him.

All of these fall under the jurisdiction of the *Muhtasib*. So, a portion of what constitutes the responsibilities of health affairs in our present time is — under normal circumstances in the Islamic state — from the duties of the Commission for Enjoining Good and Forbidding Evil.

7.8 Educational Affairs

Likewise, the *Muhtasib* is responsible for monitoring the state of education. He is to visit the schools, observe, and examine what the teachers are doing. The scholars have stated that if a teacher takes a wage that exceeds what is due while providing no real benefit or instruction, he is to be disciplined. Likewise, if he beats the students excessively, he is to be punished and reprimanded. The key point is that the educational system should fall under the supervision of the *Hisbah*.

We are not suggesting that the entire Ministry of Education should be placed under the authority of the *Dīwān al-Ḥisbah*, but certainly, a significant portion of its operations—particularly those related to moral guidance and religious instruction—should remain subject to its oversight. Today, for example, when someone seeks to deliver a beneficial lecture in a school, the response is often: “We can’t allow it,” or “It’s not possible,” or “There’s no time for it.”

Subḥān Allāh! Why is it that whenever someone tries to introduce an Islamic awareness program in schools—something that aligns with the core values of this Ummah—the default response is: “We cannot,” or “There’s no time,” or other similar excuses? This reflects a broader issue: the marginalization of the role of *al-Amr bi-l-Maʿrūf wa-n-Nahy ʿani-l-Munkar* in institutions where it should be central.

A significant portion of the authority over the educational system originally fell under the oversight of *al-Ḥisbah*. When this responsibility is restored to *al-Ḥay'ah li-l-Amr bi-l-Ma'rūf wa-n-Nahy 'ani-l-Munkar*—the *Dīwān al-Ḥisbah*—and education is once again placed under its supervision, we will, by Allah's permission, witness true reform in the educational system.

And how could we not, when the situation has deteriorated to the point that—*we seek refuge in Allah*—some teachers engage in acts of indecency with students within the very walls of our schools, or are known for disgraceful conduct and the use of vulgar, obscene language? These matters are no secret; they are known and spoken of widely. There is no need to delve into further detail.

But the question stands: Who is responsible for addressing these violations and rectifying such moral corruption? Is this not precisely the role of *al-Ḥisbah*—a duty that rightly falls upon the shoulders of the *Rijāl al-Ḥisbah*, those charged with enjoining good and forbidding evil?

If a teacher were to come to school intoxicated—what should the principal do? Is he to carry out the prescribed punishment (*ḥadd*) himself, or refer the matter to the police? In reality, this too falls under the jurisdiction of *al-Ḥisbah*.

And what about curricula that include *bid'ah* (religious innovations), falsehoods, or superstitious content? Such material must be referred to *al-Ḥisbah*, as this clearly falls within the duties and scope of the *Dīwān al-Ḥisbah*. Yet today, we barely sense that such responsibilities lie within its authority.

At present, the work of the *Ḥay'ah* (Commission for the Promotion of

Virtue and the Prevention of Vice) seems to be restricted almost entirely to calling people to prayer. Beyond that, it is as if no further duties fall under its scope. This limited portrayal is far from what the role of *al-Ḥisbah* was historically intended to be.

What I have presented here is brief and condensed. However, for those seeking detailed evidence and elaboration on each of these points, let them refer to the writings of the scholars in the classical works of *Aḥkām Sultāniyyah* (Islamic governance), as well as the books of *fiqh*—including the valuable treatise by Shaykh al-Islām Ibn Taymiyyah, *Qāʿidah fī al-Ḥisbah*.

7.9 Animal Welfare Institutions

It is truly remarkable that the scholars explicitly included *ḥisbah* even in matters concerning the welfare of animals! Look at this noble *Dīn*—a *Dīn* of mercy, compassion, and *iḥsān*—which takes into account not only human welfare but even the well-being of animals.

Among the duties of the *Muḥtasib* is to observe whether an animal is being mistreated or overburdened beyond its capacity. If such abuse is found, it is his duty to intervene—to command what is right and forbid what is wrong. This responsibility is clearly stated in the classical legal texts and is a testament to the completeness and perfection of the divine wisdom of Allah—*Subḥānahu wa Taʿālā*—as manifest in this *Sharīʿah* and in this *Dīn*.

But when we abandoned these principles, our condition declined—even basic human rights are now neglected in many places. Meanwhile, in the West, societies are established for the protection of animals. *Subḥān Allāh!* These very concerns were already embedded within the responsibilities of the *Rijāl al-Ḥisbah* in our tradition—long before such movements

emerged elsewhere.

This was something well known in the Muslim *Ummah*. The *muhtasibūn* would walk through the markets, and if they saw a beast of burden carrying an excessive load, they would stop the owner, unload some of it, and say, “You carry this yourself or hire another animal... do not burden it with what it cannot bear.”

The *Ummah* once felt that it was being watched over – and as a result, it lived closer to the *taqwá* of Allah. It was spiritually alert, morally upright, and collectively conscious of its responsibilities. That is why, when faced with external invasions, it stood firm. When the Crusaders came, it resisted them. When the Tatars came, it resisted them – because there was life in it; there was a pulse, a heartbeat of faith and moral vitality.

But now – look at our present state: lifeless, fractured, and painfully adrift. Why? Because the very ritual and communal obligation that gives life to our hearts and revives us as “*the best nation raised for mankind*” – the duty of enjoining good and forbidding evil – has been lost, neglected, or stripped of its power.

7.10 Ministry of Transportation and the General Ports Authority

Among the matters explicitly mentioned by the scholars is that it is the responsibility of the *Rijāl al-Ḥisbah* to inspect modes of transportation, including ships and other vehicles. They are tasked with examining the cargo carried, ensuring public safety, and regulating conduct on board. Imām Abū Ya‘lá – *rahimahullāh* – even specified in his rulings concerning ships:

"The *Muhtasib* is to inspect the ships, assign designated areas for men and

designated areas for women, and provide a separate space for women to relieve themselves, distinct from that designated for men."

If such detailed and practical guidance was laid out regarding ships in classical times, then surely all matters related to transportation today – including buses, trains, airplanes, and other public transit systems – fall under the jurisdiction and responsibilities of *al-Ḥisbah* and the institution of enjoining good and forbidding evil.

7.11 The Sewage and Water Authority

Among the religious functions that scholars have explicitly stated must be upheld and revived by the *Muḥtasib* is the matter of *ṭahārah* – ritual and physical purity. *Ṭahārah* is the foundation of our entire religion. Islam is a faith that unites both outward and inward purity, emphasizing cleanliness of the body as well as purification of the soul.

If every individual were left to dispose of impurities or contaminated water as they wished, it could result in blocked sewage systems, environmental damage, or even the contamination of drinking water. For this reason, all matters related to water – its cleanliness, protection from impurities and filth, and the prevention of disease – fall under the scope of *al-Ḥisbah*.

These responsibilities are not exclusive to modern entities such as the Water and Sewage Authority, the Ministry of Health, or departments of Preventive Medicine. Rather, as clearly stated by the *fuqaha*, they are part of the essential duties of the *Muḥtasib*, as we have already discussed.

7.12 Supervision of Funeral and Burial Matters

Among the duties of the *Muḥtasib* is oversight of matters related to the deceased – such as the proper burial procedures and the correct manner

of washing the dead (*ghusl al-mayyit*).

Grave violations often occur in this area, especially when many among the people have no guardian to see to their final rites. What becomes of the situation when this responsibility is left to a mere department where it is essentially the dead burying the dead – people who neither care for upholding the religion of Allah in this matter nor show regard for the sanctity of graves?

If cemeteries were to be left unattended and neglected, people might begin to build upon them – perhaps even turning them into playgrounds or similar spaces. And when hearts grow hard and people become heedless of the Hereafter, they no longer hold sacred even the sanctity of graveyards.

All of these matters related to the dead and the graveyards fall under the responsibilities of the *Muhtasib*.

7.13 *Al-Jamārik (Customs)*

Here in the Kingdom [of Saudi Arabia], around fifteen years ago, every airport and point of entry had a *Muhtasib* stationed alongside the inspection officers, overseeing matters of moral and religious concern. Over time, however, the powers of the *Muhtasibīn* were gradually reduced, and the number of personnel assigned to these roles significantly declined.

One of the most critical areas requiring moral oversight is the Customs Authority (*al-Jamārik*). By this, we do not refer to the aspects related to taxation or financial levies, as that is a separate matter with its own legal rulings. If those levies fall under the category of *maks* (unlawful taxation), then they are considered among the gravest of sins and one of the major

offenses in Islamic law.

Our focus here is on the customs function of regulating and inspecting the items entering the country, particularly the prohibition of banned or harmful materials. This function – ensuring what enters the land is lawful and beneficial – is originally part of the responsibilities of the *Muḥtasib* and the *Wilāyat al-Ḥisbah*.

7.14 Media Oversight (*al-Murāqabah al-I'lāmiyyah*)

Among the responsibilities that fall under *Wilāyat al-Ḥisbah* are many of the functions currently assigned to the Ministry of Information, particularly those related to media oversight (*al-Murāqabah al-I'lāmiyyah*). For example, who decides whether a magazine should be allowed entry into the kingdom or not? Sometimes, a magazine arrives containing a photo of a nude woman, and they merely blot out the bosom or the immediate area of nakedness – while the rest, like the chest and hair, is left visible! As though nothing inappropriate remains!

Who gave the fatwa that the portion they have blurred is prohibited and what they have left as-it-is is not? Based on what standard was this covered or concealed while the other was not? We thank Allah that at least some parts are obscured, and we are not suggesting they should not be. However, had these regulatory bodies been governed by *Shar'ī* authority and aligned with their rightful religious administration as prescribed by Allah, you would find that no one would dare introduce materials that promote indecency, fornication, or obscenity into a Muslim land. This is because they would know there exists a *Shar'ī* administration – conscious, cautious, and vigilant – that destroys any material containing prohibitions.

Likewise, oversight of video content and related materials is often conducted by assigning some administrative employee to watch over it and issue licenses. Media oversight today is known to include magazines, video shops, and music outlets. We do not claim that no oversight exists — indeed, there is some — but it is far removed from sound *Shar'ī* judgment. Take the issue of music, for instance. The matter is not merely about monitoring whether it is publicly played aloud or not. The truth is that, according to the *Sharī'ah*, it is impermissible to license any shop to sell music or distribute corrupt films, as is now commonly done. Granting such a license is *ḥarām*, and the work itself is entirely *ḥarām*. Any income generated from it — whether called "profit" or "revenue" — is, in fact, loss and illicit (*suḥṭ*). It is not permissible in any way.

If these matters were placed in their proper *Shar'ī* framework and transferred to their rightful *Shar'ī* jurisdictions (*wilāyāt shar'īyyah*), the ruling would be immediate cancellation of all licenses to sell music.

We have highlighted here only a selection of departments and responsibilities in order to illustrate — based on the statements of the *fuqahā'*, may Allah have mercy on them — the breadth and authority of *Dīwān al-Ḥisbah*, or what we now refer to as the Authority of Enjoining Good and Forbidding Evil.

8. The Muslim's Stance on al-Ḥisbah



What remains for us to discuss here is about what is our obligation as part of this *Ummah*. We will explore this aspect now.

It is an individual obligation upon each of us to work toward restoring matters to their rightful place – and to collectively cooperate in returning this institution to its proper standing, reviving its value, significance, and the full scope of authority it held in previous Islamic societies and governments. It must be supported with all available resources, means, and efforts, so that it can once again fulfill its vital role in preserving the moral and religious fabric of the *Ummah*.

There is nothing wrong with merging some departments into others, just as they have been split apart before.

For example, municipalities were once part of the Ministry of Interior, and later separated. Then the municipality itself was split into various regional municipal offices. Similarly, the Ministry of Transport was later divided into the Ministry of Post, Telegraph, and Telephone, and so on. So merging and separating administrative departments is a common matter for administrative convenience—how much more so when it involves a *Sharʿī* interest that is essential for reviving these divine duties.

If there is concern that the *Hayʾāt* (committees) for *al-Ḥisbah* are lacking in personnel, are under-equipped, or face administrative hurdles in the creation of new positions, then a practical solution would be to consolidate the various departments and committees into a single, unified body or *wilāyah*. This would help streamline operations and overcome the

challenges mentioned.

Alternatively – as some respected brothers have proposed – these bodies could be restructured into a dedicated ministry. There is no objection to such a proposal, as the form is secondary to the function. What truly matters is that, in whatever form it takes, this institution be revived and restored to its original strength, authority, and effectiveness – so that it may once again fulfill its vital role in upholding the moral and religious order of society.

At this stage, we are merely proposing the foundational principle. The decision regarding the specific administrative and structural arrangements should be entrusted to – and left at the discretion of – those with the requisite expertise and experience, so long as the ultimate objective is fulfilled: namely, that a *Dīwān al-Ḥisbah*, or a Ministry dedicated to *al-Ḥisbah*, is restored to its full *Sharʿī* jurisdiction, with broad authority and a strong, visible presence of personnel across every region and locality.

Indeed, the *Ummah* is in urgent need of this form of *wilāyah* in our time – just as it has been in every era of its history.

9. Questions and Answers



9.1 *The Relationship Between al-Amr bil-Ma'rūf wa-n-Nahy 'an al-Munkar and the Fate of Nations*

Question: What is the relationship between *al-Amr bil-Ma'rūf wa-n-Nahy 'an al-Munkar* (commanding good and forbidding evil) and the fate or rights of nations?

Answer: Allah, Exalted is He, has decreed that every state or nation that abandons *al-Amr bil-Ma'rūf wa-n-Nahy 'an al-Munkar*, and instead promotes evil and corruption, is a fallen and doomed entity. History bears witness to this. Allah says:

وَتِلْكَ الْقُرَىٰ أَهْلَكْنَاهُمْ لَمَّا ظَلَمُوا وَجَعَلْنَا لِكُلِّهِنَّ مَوْعِدًا

“Those ‘are the’ societies We destroyed when they persisted in wrong, and We had set a time for their destruction.” [al-Kahf: 59]

and He says:

وَمَا كَانَ رَبُّكَ لِيُهْلِكَ الْقُرَىٰ بِظُلْمٍ وَأَهْلِهَا مُصْلِحُونَ

“And your Lord would not destroy the towns unjustly while their people were reformers” [Hūd: 117].

Every town that wrongs itself by indulging in sins, transgressions, and the commission of *ḥarām* acts – where reformers are absent and enjoining right and forbidding wrong is abandoned – faces the consequence of destruction and ruin. Such ruin may manifest as economic collapse through inflation, devastation through war, the violation of honor, the

spread of crime and immorality, or natural disasters such as earthquakes, volcanoes, and other forms of divine punishment.

Allah sends these afflictions upon those who are deserving of them, and your Lord does not wrong anyone.

9.2 *How to Restore the Authority of the *Hisbah**

Question: How can the matter be returned to its proper place by restoring the authority of the *Hisbah*, given that the current state has become unbearable?

Answer: The most essential matter – and the greatest responsibility – lies with us. If we truly desire this revival, if we actively call for it, and if we prepare proper, well-researched studies on the subject, then, by the permission of Allah, the Blessed and Exalted, it will come to pass. No rightful cause is ever lost when there are those who sincerely demand it and strive for it.

Each of us must be among those who call for its return – using the best and most effective means: through writing, sincere counsel, meaningful conversations, well-crafted scholarly works, and sound, *fiqh*-based academic research. We must collaborate in efforts to restore this *Sharʿī* institution – the *Dīwān al-Ḥisbah* (Office of Enjoining Good and Forbidding Evil) – to its rightful place of authority and importance.

9.3 *Sarcastic Jabs in the Press*

Question: What is your view on journalists and their mockery of the *Hisbah* and its members?

Answer: The issue is not limited to journalists. Even in private gatherings, many people mock and ridicule the *Hisbah* and those who are committed

to the religion! They do not realize that the matter is just as the Prophet ﷺ said:

إِنَّ الرَّجُلَ لَيَتَكَلَّمُ بِالْكَلِمَةِ مِنْ سَخَطِ اللَّهِ لَا يَرَى بِهَا بَأْسًا فَيَهْوِي بِهَا فِي نَارِ جَهَنَّمَ سَبْعِينَ خَرِيفًا

“A man may utter a word that angers Allah, without giving it any importance, and yet it causes him to fall into the Hellfire for seventy autumns.” — and we seek refuge with Allah from that!

Those whom Allah the Exalted mentioned as disbelievers in *Sūrat al-Tawbah* were precisely those who mocked and scoffed. They did not mock the religion itself, nor the text of the Qur’ān, nor the wording of *ḥadīth*. Rather, they mocked the *Qurra’* (reciters) among the Companions — and even so, Allah said:

وَلَئِنْ سَأَلْتَهُمْ لَيَقُولُنَّ إِنَّمَا كُنَّا نَخُوضُ وَنَلْعَبُ قُلْ أَبِاللَّهِ وَآيَاتِهِ وَرَسُولِهِ كُنْتُمْ تَسْتَهْزِئُونَ - لَا تَعْتَذِرُوا قَدْ كَفَرْتُمْ بَعْدَ إِيمَانِكُمْ - لَا تَعْتَذِرُوا قَدْ كَفَرْتُمْ بَعْدَ إِيمَانِكُمْ ؕ

“If you question them, they will certainly say, “We were only talking idly and joking around.” Say, “Was it Allah, His revelations, and His Messenger that you ridiculed? Make no excuses! You have lost faith after your belief...” [al-Tawbah 9:65–66]

Thus, Allah regarded their mockery of those engaged in knowledge, *da‘wah*, or the enjoining of right and forbidding of wrong, as mockery directed at Allah Himself, His verses, and His Messenger ﷺ. This is no trivial matter—it is a matter of *kufr* (disbelief), not mere joking, casual desires, or light-hearted banter in social settings. [It is a serious offense with profound spiritual consequences.]

Know that none reviles the *Hay’ah* for enjoining right and forbidding wrong except one of two types of people:

- Either a person who is ignorant of its value and significance for society—someone who knows nothing; he is like an illiterate individual for whom the pen has been lifted, as he is unaware of what Allah created him for, and ignorant of the mission of this institution. Such people — *in shā’ Allāh* — are very few in the *Ummah*.
- Or a man who is steeped in indecency, wrongdoing, and corruption—either he has already been caught, or he fears being caught. So, to protect himself, he resorts to insults and attacks against the institution of *Hisbah*.

Search and investigate — you will not find anyone who falls outside of these two categories. But whoever truly knows the religion of Allah, understands the boundaries revealed by Allah to His Messenger ﷺ, and remains free from the immoralities that corrupt thought and action — and whose heart burns with pain at the spread of such wrongdoing — is undoubtedly obligated to speak out against those who ridicule or belittle the noble duty of al-*Hisbah*.

Refer to *Kitāb al-Ikhtiyārāt al-‘Ilmiyyah* of Shaykh al-Islām Ibn Taymiyyah, in the chapter on the ruling of the apostate (*ḥukm al-murtadd*), where he enumerates among the forms of apostasy: disbelieving in Allah and His Messenger ﷺ, or denying anything from the religion. He states:

“And whoever does not reject evil in his heart” — as is explicitly mentioned by many jurists — “then he has become a disbeliever, an apostate.”

So what then of the one who mocks and belittles those who forbid evil?! He is not merely content with the evil that Islam has declared *ḥarām* — rather, he is actively expressing his approval of it and his pleasure with it

in the clearest of ways: through jest, laughter, and mockery.

And as for the journalists—they only dare to do what they do because they serve malicious agendas and wicked goals that are being orchestrated by the enemies of Allah outside this land: from the Jews and the Christians. The American press bears witness to this, as does BBC Radio (London) and Voice of America. It is from those sources that the attacks are launched, and then the talk is repackaged and recycled to target this Islamic awakening—accusing it, undermining it, and striking at it.

To the extent that some of them even labelled us as *Al-Hizb As-Sahwah Al-Islamiyyah*, “The Islamic Awakening Party.” Is there even such a thing as “The Party of the Awakening”?! The term *al-Şahwah* (the Awakening) has simply become commonly used by preachers and speakers. [Seeing this title being used to describe the task of awakening that we aim for], the ill-minded people starting claiming: “These people from Saudi Arabia are members of the *Şahwah Party*.”

We all—*alḥamdulillāh*—belong to this awakening, and we praise Allah that it is not a political party, nor a group of opposition, as some attempt to label it. They seek to frame the callers to Allah, and those who enjoin good and forbid evil, as if they are political opponents vying for power.

Allāhu akbar! Are the *du‘āt* chasing after positions of political authority?

Do they truly imagine that one of these noble individuals aspires to be Minister of Planning, and another aims to become Minister of Agriculture, and so on? By Allah, the noble workers of this awakening do not even think in such terms.

By Allah, these positions—whether governmental or administrative—are

insignificant when compared to what Allah, Exalted is He, has granted to the callers to Islam (*du'āt*) and the scholars who possess true faith in Him: the knowledge of Allah, the honor of speaking on behalf of the Lord of the Worlds, and the privilege of standing in the place of the Prophets. By Allah, such worldly positions are not even worth the strap of a *dā'iyah's* sandal.

And let those who hear these words listen attentively: By Allah, such positions hold no value whatsoever in the eyes of those who enjoin good and forbid evil – never – unless they serve as a means to fulfill that very duty. As for those who carry out this responsibility, I do not claim that I or my fellow *du'āt* (callers to Allah) are free from faults. However, I do not know of a single one among us who would accept such a position – even if it appeared religious in nature or outwardly beneficial. By Allah, never!

So where did these accusations come from? No one in our society levels such charges against the *du'āt* except a spiteful, malicious instigator whose intent is to sow discord and discredit those striving in the path of Allah.

But these are echoes of the words of the Western press and corrupt Western media, which seeks only to corrupt, to slander this *Ummah*, to divide it, and to pit parts of it against each other. That is their aim.

Therefore, individuals like the editor of *al-Siyāṣah* newspaper and others like him – whose affiliations, allegiances, and loyalties to the West and to America are well known – come forward and mock and ridicule the callers to Islam. One of them even said: “Someone came to me with a beard like that of a goat!” And yet such speech is allowed to pass without

accountability. It is printed, circulated, and distributed within this country – with no punishment and no deterrent – despite the fact that it constitutes clear mockery of the Sunnah of the Prophet ﷺ.

Had the mockery been directed at a particular individual or a particular man by name, or even at one of us, you would have seen eyes flare with anger and heads rise in indignation. Punishment would have been enforced swiftly, and condemnation would have spread widely. Even the most senior scholar in this land, and its highest religious authority – His Eminence Shaykh ‘Abd al-‘Azīz (may Allah show His mercy upon him) – wrote and continued to write, calling for this man to be held accountable and punished. And yet, to this very day, I do not know why he has not been punished!

These criminal journalists – whether they are from within this country or from outside it, whether they publish their papers locally or import them from abroad – anyone who writes against the principle of enjoining what is right and forbidding what is wrong is actually echoing the voice of the enemies of Allah. Such people do not speak from themselves; their words are but a repetition of hostile narratives from the foes of Islam and Muslims.

I say this clearly: any individual within our society who speaks out against this noble duty falls into one of the categories I have already described.

9.4 *Ḥisbah and Selective Enforcement of Duties*

Question: Why is it that the Committee for the Promotion of Virtue and the Prevention of Vice (al-Ḥisbah) enforces certain matters while overlooking others? For instance, they issued an order banning the

placement of chairs in shops at the *Khaimah* Market—chairs that elderly women relied on to sit and rest. These women understandably protested, saying, “*Where are we supposed to sit?*” since many of them are unable to walk long distances or stand for extended periods. It is as if someone were to respond harshly: “*Who told you to come to the market in the first place, Grandma?!*”

Meanwhile, *Hisbah* has not issued any orders to shut down or prohibit the sale of films and music, despite clear rulings on their prohibition—just like the prohibition of cigarettes.

So, where is the consistency and fairness in such enforcement?

Answer: As for songs and videos, they are told: “These matters are not within your jurisdiction; they fall under the jurisdiction of the Ministry of Information.” And it is for this reason that this lecture was delivered — to clarify that these indeed do fall within the purview of the *hisbah*.

9.5 ‘Umar ibn ‘Abd al-‘Azīz and His Aides

Question: You mentioned that ‘Umar ibn ‘Abd al-‘Azīz personally undertook the role of *hisbah* along with some of his ministers and close advisors. We request you to name some of these ministers and companions, as a way of honoring them — so that today’s generation of Muslim youth may know who these men were. May Allah have mercy on them.

Answer: I will not answer — rather, I want each of you to go research this topic from the *Sīrah* (biography) of ‘Umar ibn ‘Abd al-‘Azīz. Books on ‘Umar, may Allah be pleased with him, are well-known and widely available. Why not write research papers so that we may learn who these men were, what their roles were, and spread this knowledge among the

people? Today, it is as if the *Ummah* recognizes only actors, singers, and dancers — even those from distant lands like America — as its heroes, while forgetting those truly worthy of admiration.

An Indian actor once visited Egypt, and, as I read in the Egyptian newspapers, tens of thousands gathered just to see him — and he's Indian!

How many people know the name of the minister of 'Umar ibn 'Abd al-'Azīz? How many people know the name of the scholar who advised Sulaymān ibn 'Abd al-Malik to appoint 'Umar ibn 'Abd al-'Azīz after him? How many of our youth know what the son of 'Umar ibn 'Abd al-'Azīz did alongside his father?

No one knows — because we have been distracted from our own men and leaders by these impure, filthy individuals.

9.6 Renouncing the Duty of Enjoining Good and Forbidding Evil Under the Pretext of the Presence of the Ḥisbah Authority

Question: What is your view regarding those who, upon witnessing evil acts, and when asked, “Why don't you forbid this wrong?”, respond by saying, “That's the responsibility of the *Ḥay'ah* (Commission for the Promotion of Virtue and Prevention of Vice)”?

Answer: This is an attitude we hope — *in shā' Allāh* — we no longer hear or see repeated! For the Messenger of Allah ﷺ used the words “*Whoever among you sees an evil...*” when guiding us about our responsibility regarding forbidding evil— meaning that each and every one of us is obligated to forbid evil according to his ability.

Yes, if it is something that requires practical enforcement or physical

intervention, then indeed, it is the role of the *Hisbah* authority. But does that mean that I simply say, “This needs action and is the *Hay’ah*’s responsibility,” and then remain silent?! No. Rather, I must inform the *Hay’ah*, write to them, and clearly notify them.

9.7 Amendment of the Companies Law

Question: There are many questions regarding what has been reported about the cancellation of certain articles of the Companies Law. What is your view?

Answer: The truth is, I am of the type who does not listen to radio broadcasts at all. This morning, someone came to me and said, “There’s talk in the newspapers about the Companies Law,” and he brought me a newspaper. I found written in it the cancellation of some articles of the Companies Law. However, I have not been able to review it, nor to verify whether these are the same articles we addressed in previous lectures or others.

In any case, we ask Allah, Glorified and Exalted be He, to guide this nation — its general public and its leadership — to return to the Book of Allah and the Sunnah of the Messenger of Allah ﷺ, and that He shows them the truth as truth and grants them the ability to follow it, and shows them falsehood as falsehood and grants them the ability to avoid it.

And we hope — *in shā’ Allāh* — that there will be further steps toward reforming the entire Companies Law and toward eliminating everything in the economic system that contradicts the *Shari’ah* — which is broader than just companies — and also the removal of all that conflicts with our religion and our *Shari’ah* in every aspect of life, both big and small, by Allah’s permission.

9.8 Accountability and Patience of the Members of the *Hisbah*

Question: Many of the brothers have written regarding the mistreatment and verbal attacks directed at members of the *Hisbah* (the Committee for the Promotion of Virtue and the Prevention of Vice).

Answer: We advise our brothers in the *Hay'at al-Amr bil-Ma'rūf wan-Nahy 'an al-Munkar* (Committee for the Promotion of Virtue and the Prevention of Vice) to seek reward from Allah and to make *iḥtisāb* (sincere intention and hope for reward) in all that they face. In addition to already enduring low salaries, exhausting effort, and long, sleepless hours, we advise them to also be patient and make *iḥtisāb* regarding what is said about them.

Indeed, this is a matter of sincere *iḥtisāb*, patience, and striving solely for the sake of Allah the Exalted, until you meet your Lord, Mighty and Majestic.⁷

9.9 The Sinner Between Concealment and Punishment

Question: If someone is found drinking alcohol or committing another sin while doing so privately, is it permissible to punish and publicly

⁷ The hadith below provides a beautiful guidance in this regard (Riyad us Saliheen 3/186):

عن أبي الوليد عبادَةَ بْنِ الصَّامِتِ قَالَ: "بَايَعْنَا رَسُولَ اللَّهِ ﷺ عَلَى السَّعْيِ وَالطَّاعَةِ فِي الْعُسْرِ وَالْيُسْرِ، وَالْمُنْشَاطِ وَالْمَكْرَةِ، وَعَلَى أَثَرَةٍ عَلَيْنَا، وَعَلَى أَنْ لَا نُنَازِعَ الْأَمْرَ أَهْلَهُ، إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا عِنْدَكُمْ مِنْ اللَّهِ تَعَالَى فِيهِ بُرْهَانٌ، وَعَلَى أَنْ نَقُولَ بِالْحَقِّ أَيْنَمَا كُنَّا، لَا نَخَافُ فِي اللَّهِ لَوْمَةً لَائِمَةً" متفقٌ عَلَيْهِ.

On the authority of Abū al-Walīd 'Ubādah ibn al-Ṣāmit (may Allah be pleased with him), he said: "We pledged allegiance to the Messenger of Allah ﷺ to hear and obey in times of ease and hardship, in enthusiasm and reluctance, and even when others are given preference over us. And we pledged not to dispute the authority of those in charge, unless we see clear and blatant disbelief (*kufr bawāḥa*) for which we have proof from Allah. And we pledged to speak the truth wherever we are, and not to fear the blame of any critic in matters concerning Allah." – Agreed upon

shame him, or should he be advised and kept covered?

Answer: If the person is from among one's neighbors or coworkers, the default ruling is that he should be advised and his matter kept concealed. However, if his evil is widespread and affects others — such as teaching the youth of the neighborhood how to make alcohol — then it is not permissible to remain silent about him. The full details on this issue are many, and time does not allow us to elaborate fully.

The point is: if he falls under what is meant in the saying of the Prophet

ﷺ:

أَقِيلُوا ذَوِي الْهَيْئَاتِ عَثَرَاتِهِمْ إِلَّا الْحُدُودَ

“Overlook [with forgiveness and pardon] the slips [and mistakes] of those with standing [or dignity]⁸ except in case of Hudood”, then his case differs. Dhū al-

⁸ Regarding the wording of the hadith, please note that:

- the word “*Aqīlū*” is an imperative form derived from the noun *iqālah*, meaning to pardon or excuse.
- The expression *dhawī al-ḥay’āt* refers to people of honorable character and commendable traits — those who are not known for corruption, misconduct, or habitual sin. It has also been interpreted to include individuals of social standing or noble presence in the community, whose lives are generally marked by righteousness and public benefit. Shaykh Ṣafar further adds that this category includes those of noble lineage, as publicly exposing or shaming them — and failing to pardon their slips when they do not warrant a prescribed *ḥadd* punishment — can lead to broader social harm. In such cases, the overall benefit to the community (*maṣlahah ‘āmmah*) must be given significant weight.
- The word “*‘atharātihim*” refers to their slips — errors or sins that may have occurred in the past.

This hadith provides prophetic guidance to excuse the slips of people of good character and social standing, except in matters involving the prescribed punishments of Allah. Pardoning the slips and mistakes committed by people is one of the noble traits upheld by Islamic law — especially when the one who has erred is known among the people for virtue and righteousness. In such cases, concealing his fault is more appropriate, so that his reputation remains untarnished and his role as an example for others is preserved.

However, an important exception must be made in the case of *ḥudūd* — the prescribed legal punishments in Islamic law. If the sin committed falls under the category of a *ḥadd*, then it must be enforced,

Hay'ah (those with standing) are not necessarily scholars or the righteous, as some jurists have explained. Rather, it refers to those who have a degree of social status, whether due to family lineage or position. If such a person were punished and publicly shamed, the fallout would be severe and widespread. He is not like the average person whose exposure would not cause such harm.

This ruling also applies by analogy to parents, neighbors, and close friends — in such cases, the preferred and original course of action is to advise the person and conceal his sin.

However, if his harm spreads to others or he is known not to respond to admonition — particularly in the case of alcohol, as it leads to addiction — then some people might never desist. Addiction, even from a medical standpoint, can reach a level where a person simply cannot stop. This is why some scholars have applied the ḥadīth:

فَإِذَا شَرِبَ الرَّابِعَةَ فَاقْتُلُوهُ

"If he drinks a fourth time, then kill him", to such cases — i.e., habitual

regardless of the person's social or moral standing.

Indeed, the Prophet ﷺ said:

"لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا" مُتَّفَقٌ عَلَيْهِ

"If Fāṭimah the daughter of Muḥammad were to steal, I would cut off her hand." (Agreed upon)

This reflects one of the great manifestations of the perfection and balance of this *Shari'ah*: when a person known for uprightness and overall righteousness commits a *slip or minor offense* — not one that necessitates a *ḥadd* — then it is recommended to overlook it and not hold it against him, since goodness predominates in his character.

This ḥadīth also illustrates that refraining from disciplinary punishment (*ta'zīr*) is legislated in certain situations, and that it is distinct from *ḥadd* punishments. Had the two been the same, people of dignity and others would have been treated identically without consideration of their character or social role.

addicts who never respond to admonition. Such a person may be executed because he is utterly corrupted and no good remains in him.⁹

⁹ Though Shaykh approves implementation of this narration, many scholars consider it abrogated. Consider the explanation below derived from a fatwa issued under the supervision of Shaykh Saleh Al-Munajjid:

Several hadiths have been reported concerning the killing of a person who drinks wine for the fourth or fifth time, and some scholars have regarded these reports as strong. For example, Al-Ḥāfiẓ Ibn Ḥajar (may Allah have mercy on him) said:

“There is a hadith which states: if he drinks and is punished three times, then drinks again, he is to be killed on the fourth time. In another narration: on the fifth time. This hadith is found in the Sunan from several chains with strong isnāds (chains of transmission).” [Fath al-Bārī, 12/73]

However, the scholars have unanimously agreed that this ruling has been abrogated.

Therefore, the one who drinks wine is not to be executed as a legal punishment (*ḥadd*), but rather he is to be flogged.

Abū Dāwūd (4482), al-Tirmidhī (1444), and others narrated from Mu‘āwiyah who said:

مَنْ شَرِبَ الْخَمْرَ فَاجْلِدُوهُ. فَإِنْ عَادَ فِي الرَّابِعَةِ فَاقْتُلُوهُ

The Messenger of Allah ﷺ said: “Whoever drinks wine, flog him. If he returns (to it) a fourth time, then kill him.” Imam Al-Tirmidhī said in his commentary on this hadith:

“This was only in the early period, then it was later abrogated. This is what was narrated by Muḥammad ibn Ishāq from Muḥammad ibn al-Munkadir from Jābir ibn ‘Abd Allāh, who said that the Prophet ﷺ said: ‘Whoever drinks wine, flog him. If he returns (to it) a fourth time, then kill him.’ Then a man was brought to the Prophet ﷺ who had drunk wine for the fourth time, and the Prophet flogged him but did not kill him.”

This points out towards the above-mentioned abrogation. Once the prohibition was deeply settled in the hearts of the believers, the *ḥadd* was lifted.

Ibn al-Munkadir, and he said: ‘That (ruling) was abandoned. The Messenger of Allah ﷺ was brought a man named Ibn Nu‘aymān, and he flogged him three times, then he was brought to him a fourth time, and he flogged him and did not go beyond that.’” [Fath al-Bārī, 12/80]

Similarly, al-Zuhri narrated from Qabiṣah ibn Dhu‘ayb from the Prophet ﷺ something similar. He said: “The order to kill was lifted, and this was a concession (*rukhsah*).”

The implementation of this hadith is the established position among the vast majority of scholars, and there is no known disagreement among them – neither among the earlier nor the later generations. This is further supported by the many narrations from the Prophet ﷺ in which he said:

9.10 Inclusion of the Intelligence Department Under the Scope of *Hisbah*

Question: Can the Intelligence Department (*al-mabāḥith*) be considered part of the *ḥisbah*?

Answer: Criminal investigation departments — commonly referred to as police — can certainly fall under the domain of *ḥisbah*, provided that their work is properly regulated and grounded in Islamic legal principles. We do not mean the kind of spying (*tajassus*) that Allah has prohibited. However, many of the functions carried out by the intelligence services — such as gathering information, tracking criminals, and what is commonly referred to as "criminology" — all fall within the framework of commanding the good and forbidding the evil.

Whether these functions are, in our modern times, classified under *mabāḥith* (intelligence), or under police departments, or under criminal investigations, or any other label — they are all essentially forms of enjoining good and forbidding evil when conducted according to the *Sharīʿah*.

9.11 Ruling on the Confiscation of Goods

Question: Is it valid for the municipality to confiscate goods?

Answer: If the confiscation is based on a legitimate *Sharīʿi* reason, then it is valid. However, if it is done for an illegitimate or non-*Sharīʿi* reason, then

لَا يَجِلُّ دَمُ امْرِئٍ مُسْلِمٍ يَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَأَنَّي رَسُولُ اللَّهِ إِلَّا بِأَحَدٍ ثَلَاثٍ: النَّفْسُ بِالنَّفْسِ، وَالثَّيِّبُ الزَّانِي، وَالتَّارِكُ لِدِينِهِ

“The blood of a Muslim who bears witness that there is no God but Allah and that I am the Messenger of Allah is not lawful (to be shed), except in three cases: a life for a life, a married person who commits adultery, and one who abandons his religion (apostasy).”

And Allah knows best.

it is invalid and constitutes *ẓulm* (oppression), which is not sanctioned. The Prophet ﷺ forbade excessive gossip and the squandering of wealth, and thus wasting or destroying wealth without a *Sharʿī* interest is not permissible. If the municipality or any other body does so, it should be objected to — but through the proper *Sharʿī* manner of *inkār* (forbidding the wrong).

We ask Allah to reward you and grant you goodness. And all praise is due to Allah, the Lord of all worlds.

10. Afterword



10.1 Revisiting *Hisbah* Through a Contemporary Lens

10.1.1 Why Does it Need to be Revisited?

The concept of *al-Hisbah* remains as vital today as it was during the era of classical Islamic governance. Rooted in the divine command of *Amr bil Ma'rūf wa Nahy 'An al-Munkar* (enjoining what is right and forbidding what is wrong), it embodies the collective moral responsibility of a believing society. The system of *Hisbah* represents a practical implementation of this principle and has existed since the early days of the Ummah of Prophet Muhammad ﷺ. Its significance is well-established, well-documented, and undisputed. However, the methods of its application must evolve to address the realities of the present age.

The modern world has undergone profound transformations — economically, socially, and technologically. Upholding justice and integrity in today's marketplaces now requires far more than the traditional role of the *muhtasib* (also referred to historically as the *'āmil al-sūq* or *ṣāhib al-sūq*), who would physically patrol the markets to ensure fair dealing. In our time, even if we focus solely on the domain of commerce — setting aside the many other areas that once fell under the *muhtasib*'s responsibility — the landscape has grown significantly more complex. It now includes online trade, intricate banking systems, third-party lending, drop-shipping models, diverse taxation frameworks, environmental and ethical implications of production, and a wide array of modern contracts and financial transactions.

Such complexities call for a renewed understanding and contextualization of *Hisbah*. To remain effective and relevant, its implementation must be critically re-examined in light of contemporary challenges and realities.

10.1.2 *How Should it be Revisited?*

In Islam, matters of worship—such as *ṣalāh*, *ṣawm* (fasting), *zakāh*, and *ḥajj*—are prescribed in precise and detailed ways. These ritual acts must be performed exactly as taught by the Prophet ﷺ, with fixed forms, timings, and procedures that are not open to reinterpretation or contextual change.

In contrast, many areas of life related to society, governance, economy, and interpersonal dealings (*mu'āmalāt*) are treated with greater flexibility. While grounded in the moral and legal principles of the Qur'an and Sunnah, these domains often rely on general guidance rather than detailed prescriptions. This purposeful openness reflects divine wisdom and allows Islamic law to respond effectively to changing circumstances across time and place.

The distinction between *'ibādāt* (ritual worship) and *mu'āmalāt* (social dealings) underscores the dynamism of Islamic jurisprudence. It is within the latter category that we find the institution of *Hisbah*. As a mechanism of moral oversight and public accountability, *Hisbah* is not a ritual obligation with a fixed structure, but a practical tool for promoting justice, fairness, and ethical conduct in society.

Because *Hisbah* is not defined in rigid detail by the Qur'an or Sunnah, its implementation has historically been shaped by the exercise of *ijtihād*—qualified legal reasoning. Classical scholars and rulers developed models

of *Hisbah* that were well-suited to the needs and contexts of their time. These models represent a rich legacy within Islamic governance, but they are not immutable blueprints.

In our time, the world has changed dramatically. Social, technological, and economic realities are far more complex and interconnected than in the past. As such, reimagining the application of *Hisbah* is not merely permissible—it is necessary. However, this must be done with integrity: guided by sound *ijtihād* and firmly rooted in the higher objectives of Islamic law (*Maqāṣid al-Sharī'ah*)—the preservation of religion, life, intellect, lineage, and wealth. These objectives serve as the evaluative framework for developing models of *Hisbah* that are both faithful to Islamic principles and capable of addressing the unique moral and ethical challenges of the modern world.

10.2 Historical Precedents of Moral Oversight and Hisbah

10.2.1 Embedded in Fitrah:

Allah SWT has given the opportunity for guidance to humanity through multiple, mutually complementary channels. At the highest level is revelation—His direct communication through prophets and scriptures. Alongside this, He has placed signs in the external world and within our very selves.

سَنُرِيهِمْ ءَايَاتِنَا فِي الْكَافَاقِ وَفِي أَنْفُسِهِمْ

“We will show them Our signs in the universe and within themselves” [Surah Fussilat: 53]

Among the internal signs is the *fiṭrah*—the innate disposition toward truth, justice, and moral awareness with which every human being is born.

This deep moral instinct is not separate from revelation but part of the divine system of guidance. It reflects a spiritual imprint upon the soul, shaped by the primordial covenant when Allah asked, "*Alastu bi-Rabbikum?*" ("Am I not your Lord?"), and all souls responded, "*Balā*" ("Yes").

وَإِذْ أَخَذَ رَبُّكَ مِنْ بَنِي آدَمَ مِنْ ظُهُورِهِمْ ذُرِّيَّتَهُمْ وَأَشْهَدَهُمْ عَلَى أَنْفُسِهِمْ أَلَسْتُ بِرَبِّكُمْ قَالُوا بَلَىٰ ۖ
شَهِدْنَا أَنْ تَقُولُوا يَوْمَ الْقِيَامَةِ إِنَّا كُنَّا عَنْ هَذَا غَافِلِينَ ١٧٢

And 'remember' when your Lord brought forth from the loins of the children of Adam their descendants and had them testify regarding themselves. 'Allah asked,' 'Am I not your Lord?' They replied, 'Yes, You are! We testify.' 'He cautioned,' 'Now you have no right to say on Judgment Day, 'We were not aware of this.' [Surah Al-Aaraf: 172]

Within the *fiṭrah*, a form of *Hisbah* is naturally embedded—a built-in moral compass that echoes the primordial covenant made with Allah SWT. This inner consciousness, shaped by that divine promise, alerts the soul when it veers toward wrongdoing—so long as it has not been dulled by persistent sin and heedlessness. As long as this moral awareness remains alive, it functions as an internal voice that calls a person to account: urging restraint before wrongdoing, evoking remorse after sin, inviting sincere repentance, and forbidding what is evil. Likewise, when one performs a righteous act, the conscience affirms it—enjoining good by bringing a sense of inner peace and moral satisfaction.

This is the soul's own mechanism for *Amr bil Ma'rūf wa Nahy 'An al-Munkar*—a deeply personal and instinctive form of moral oversight, operating within every human being.

This inner moral compass is often supported by what might be called a

physiological Hisbah. The body responds positively to virtuous acts—releasing hormones like dopamine or oxytocin that promote peace and well-being—and reacts negatively to impurity, whether physical, emotional, or moral. Discomfort, anxiety, or even physical illness can follow repeated violations of one's moral and spiritual equilibrium.

Yet, when ignored persistently, both the conscience and the body's natural responses can become desensitized. This gradual erosion of inner *Hisbah* is a spiritual danger: the soul becomes numb to evil, and the internal warning system—though not extinguished—is muted.

Thus, whether through revelation, nature, or the soul itself, Allah's guidance is ever-present. The task of *Hisbah*, then, is not only a societal obligation but also a deeply personal reality, beginning within every human being.

10.2.2 *Hisbah and the Beginning of Humanity*

Internal *Hisbah*—the moral compass embedded in the human *fiṭrah*—is a vital aid, but it is not sufficient on its own. Its purpose is to help prepare us for the ultimate accountability: the *Muḥāsabah* that every human being will face before their Creator. This external, divine reckoning is the true and final measure of one's moral and spiritual conduct.

The framework for this accountability was first exemplified in the story of Adam (*‘alayhi al-salām*), through whom Allah SWT introduced humanity to the foundational concepts of divine instruction, moral boundaries, and personal responsibility. His experience set the pattern for all who came after: to live under divine guidance, to be morally accountable, and to face the consequences of one's choices.

From that moment onward, the human journey has followed a consistent

moral pattern: receiving guidance on what is permissible and impermissible, being reminded of it through the faculty of reason or through the messages delivered by prophets, messengers, and righteous warners from among the believers—and ultimately being judged according to one's response.

The principle underlying *Hisbah*—the establishment of a moral standard, followed by monitoring, advising, and, where necessary, enforcement—reflects this foundational reality. It is more than a legal or administrative function; it expresses a deeper theological truth: that human beings are not morally autonomous but accountable to divine guidance.

10.2.3 *Hisbah and the Divine Religions*

The principle of *Hisbah*—moral accountability rooted in divine instruction—did not remain confined to a single people or place. It was echoed and reaffirmed through the successive revelations granted to the prophets and messengers, forming a shared moral framework across Islam, Judaism, Christianity, and other divine religions¹⁰. Each tradition, in its own way, recognized the duty to uphold good, confront evil, and hold individuals and communities accountable to divine standards.

This shared foundation is clearly reflected in the scriptures of earlier communities. For instance, the Bible affirms the necessity of moral correction and warns in Isaiah 5:20 against the inversion of moral values:

¹⁰ It is important to note that only Islam has been preserved in its complete and original form. Previous revelations, including those given to the followers of Judaism and Christianity, were divinely ordained but intended for specific communities and periods in history. Over time, these traditions experienced alterations and distortions at the hands of later generations. Nevertheless, some foundational truths—such as the belief in God and basic moral principles—have remained preserved within them.

"Woe unto them that call evil good, and good evil; that put darkness for light, and light for darkness; that put bitter for sweet, and sweet for bitter!"

This and other similar verses reflect a familiar pattern: divine guidance establishing clear moral boundaries, and the duty of the faithful to uphold those boundaries in public life. In Islam, this responsibility is institutionalized through *Hisbah*, providing structure, continuity, and communal mandate to the age-old obligation of enjoining right and forbidding wrong.

Although the mechanisms may differ across traditions, the essential principle remains the same: standing against wrongdoing—guided by divine values and upheld through human agency—is a sacred trust passed down through the Abrahamic legacy.

So far, we have explored how the concept of *Hisbah* is embedded within the human being—first, through the *fiṭrah*, the innate moral compass that inclines every soul toward truth, justice, and goodness; and second, through the body's physiological responses, which reinforce virtuous behavior and resist wrongdoing. A person often experiences remorse after committing a sinful act and feels inner peace after doing good. This universal system of internal moral feedback operates even among those who do not believe in God—such as atheists—who may still engage in acts of kindness, charity, or service to others. These actions often bring them a sense of serenity and fulfillment, reflecting the deep moral imprint that Allah SWT has placed within every human soul.

Building upon this internal foundation, we then considered the higher, external dimension of accountability: *Muḥāsabah* before Allah SWT. This ultimate reckoning, as consistently affirmed throughout prophetic history

and divinely revealed scriptures, establishes that human beings are not only internally guided but also held accountable to an objective, external moral standard conveyed through revelation. This theological framework gave rise to divinely ordained systems of moral oversight tasked with ensuring that individuals and societies live in accordance with divine guidance.

Motivated by this innate recognition of accountability and a natural inclination toward justice and moral order, human beings have long sought to mirror these ideals in the structure of their societies. Even in the absence of preserved revelation, the human desire to reflect divine standards—however intuitively grasped—led civilizations throughout history to develop their own external systems of moral regulation. Grounded in this moral instinct and, at times, shaped by remnants of inherited truths or rational reflection, these systems aimed to preserve societal order by promoting what was perceived as good and discouraging what was seen as harmful.

Ancient societies such as those of Mesopotamia, Egypt, Greece, and Rome developed civic codes and designated officials to oversee public conduct, enforce moral expectations, and maintain legal order. While these systems often displayed considerable administrative sophistication, they were largely built on human reasoning, customary norms, or the interests of ruling elites, rather than on divinely revealed principles. As a result, their concepts of justice and morality lacked the transcendent grounding that revelation provides.

Nevertheless, the emergence of such systems across various cultures underscores a universal truth: the idea of moral accountability is deeply rooted in human nature.

10.2.4 From Prophets to Institutions: *Hisbah* Under Islamic Rule

With the completion of the Prophetic mission, the duty of upholding moral order and ensuring public accountability did not end. Rather, it was transferred from the direct responsibility of the Prophets to the broader Muslim community – becoming both a personal obligation and a formal, institutional function within Islamic governance.

The Qur’anic command of *Amr bil Ma’rūf wa Nahy ‘An al-Munkar* (enjoining right and forbidding wrong) was never intended to remain confined to individual conduct; it was embedded into the very framework and fabric of the Islamic state. Crucially, the standard by which actions are judged—what is right and what is wrong—has been divinely preserved in the Qur’an and Sunnah, remaining intact until the Day of Judgment.

Over time, the responsibility of assessing alignment with these sources – promoting what conforms to them and restraining what contradicts them—was structured into a formal system. This evolved into what became known as the *Nizām al-Ḥisbah*: an institutionalized mechanism of moral oversight, rooted in revelation and refined through the efforts of jurists across generations.

At the heart of this system stood the *muḥtasib* and the *Dīwān al-Ḥisbah* – the office responsible for overseeing marketplaces, maintaining public morality, and safeguarding societal well-being. The *muḥtasib* was empowered to intervene in cases of fraud, injustice, or any form of public harm, and was expected to act decisively to uphold community standards. Far from being a peripheral figure, the *muḥtasib* was regarded as a central pillar of public administration, particularly in urban life.

Successive Islamic dynasties—from the early caliphates to the Abbasids and Mamluks—not only preserved the institution but systematized it further. They produced detailed legal manuals and administrative treatises that codified the responsibilities and procedures of the *muhtasib*, ensuring its continued relevance and effectiveness within an evolving sociopolitical context.

What set this system apart from similar efforts in other civilizations was its foundation in divine guidance. Unlike systems based on royal decree, cultural norms, or public consensus, the Islamic model of *Hisbah* derived its legitimacy from the commands of Allah and the example of His Messengers. As such, it ensured consistency, objectivity, and a moral compass anchored in revelation. In this framework, the authority to enjoin good and forbid wrong was not merely an administrative task—it was a religious obligation tied to one's accountability before Allah.

This unique foundation elevated *Hisbah* beyond civic utility. While many ancient civilizations and religious traditions recognized the need to preserve public morality, Islam codified it as both a sacred trust and a governing principle. Its scope was broad, its objectives divinely ordained, and its implementation deeply integrated into the structure of the state.

Remarkably, the institution of *Hisbah* continued to function well beyond the fall of major Islamic centers—such as al-Andalus—underscoring its enduring practical value. Even in times of political decline, societies recognized its utility in ensuring justice, social order, and ethical conduct. It became a symbol of continuity, reflecting the prophetic legacy adapted to the evolving needs of governance.

Thus, the *Hisbah* system in Islamic history was not an ad-hoc or symbolic

gesture, but a well-developed mechanism for moral oversight, crafted through juristic precision and spiritual intent—serving as a vital bridge between religious principles and public administration.

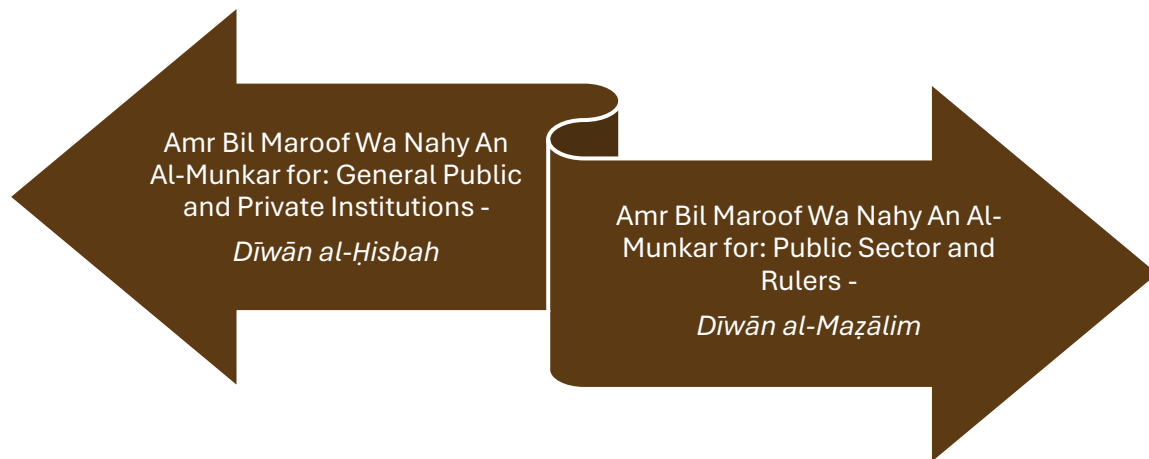
10.2.5 Modern Parallels: The Ombudsman and *Dīwān al-Mazālim*

While the Islamic institution of *Hisbah* has its own unique theological and legal foundations, echoes of its core function—ensuring justice and accountability of the governments, institutions, and public—can be seen in several modern governance structures. One such parallel is the office of the ombudsman¹¹, a role found in many contemporary governments around the world. The ombudsman’s primary responsibility is to address grievances and investigate administrative misconduct or abuse of power. Citizens may lodge complaints, and the ombudsman initiates inquiries, offering redress where government institutions may have failed in their duties.

This is conceptually similar to the classical Islamic *Dīwān al-Mazālim* (Court of Grievances) entity created by Umar Ibn Abdul Aziz *Rahimahullah*, a body developed alongside the *Hisbah* system to hear complaints against state officials or instances where standard judicial avenues were insufficient. The *Dīwān al-Ḥisbah* also functioned as a critical corrective institution, providing citizens with a means to seek redress when justice was denied or abused—whether by private individuals,

¹¹ The modern institution of the ombudsman originated in Sweden, where the Parliamentary Ombudsman was established in 1809 as an independent body to oversee public administration. Its creation followed a period of autocratic rule, public concern over the abuse of executive power, and a constitutional reform aimed at strengthening checks and balances. Its functional resemblance to the Islamic *Dīwān al-Mazālim* has been explained in the current section. Earlier prototypes of such oversight roles also appeared in various cultures, including the *amhaeng-eosa* in Korea and the Roman tribune.

public officials, or even the ruler himself. It served as a mechanism through which the moral and legal order could be upheld, especially in cases where power had been misused or accountability evade



Two key distinctions set the Islamic framework apart from modern secular institutions such as the ombudsman.

First, in scope: the Islamic concept of *Ḥisbah* extends beyond administrative fairness to encompass moral and religious accountability. It is concerned not only with the just conduct of government but also with ensuring public adherence to divine commands across all spheres of life – personal, social, and economic. In contrast, modern ombudsman offices are typically restricted to matters of procedural justice, legality, and bureaucratic oversight within a specific political or constitutional order.

Second, in source of authority: Islamic institutions such as the *Dīwāns* of *Ḥisbah* and *Mazālim* derive their legitimacy from divine law, not from parliamentary legislation, democratic mandate, or royal decree. This anchors the system in a transcendent and immutable moral framework, independent of political ideologies or shifting societal norms. The

standards they uphold are not defined by majority opinion or government decree, but by the timeless guidance revealed by Allah SWT.

In summary, while institutions such as the ombudsman and the *Dīwān al-Mazālim* may appear functionally similar—particularly in their role of protecting citizens from administrative abuse—their underlying philosophies differ fundamentally. Modern mechanisms may serve valuable roles in governance, but they lack the spiritual authority, comprehensive moral vision, and theological depth that characterize the Islamic concept of *Hisbah*.

10.2.6 *Hisbah in Today's Muslim World: Value and Vulnerability*

In several Muslim-majority countries today, the concept of *Hisbah* continues to find institutional expression—most notably in the form of committees, departments, or ministries for the promotion of virtue and prevention of vice. These bodies seek to preserve moral order, encourage adherence to Islamic values, and safeguard public behavior in line with Shari‘ah principles. Their presence has historically had a profoundly positive impact on society—promoting modesty, discouraging public immorality, and acting as a moral compass within the public sphere.

However, alongside these strengths lie certain challenges and vulnerabilities that undermine the credibility and effectiveness of *Hisbah* in its modern applications. It is crucial to critically examine these shortcomings so they can be properly addressed—paving the way for a more contextually relevant and principled model of *Hisbah* that aligns with the moral and societal needs of our time.

Let us now turn to some of these key challenges before exploring pathways toward meaningful reform and renewal.

- In some countries, *Hisbah* institutions suffer from imbalanced scope—either too narrow, focusing only on external appearances while neglecting broader ethical concerns, or too broad, attempting to cover multiple complex sectors (media, education, healthcare, economy etc.) without sufficient specialization or expertise. This dilutes their impact and makes them vulnerable to public criticism or inefficiency.
- In other places, the institution has been co-opted for political purposes. Instead of functioning as a neutral moral force, *Hisbah* is sometimes used as a tool to suppress political dissent, silence reformers, or selectively enforce morality against specific groups while turning a blind eye to others. Such politicization corrodes public trust and undermines the very ethical foundations that *Hisbah* is meant to protect.
- Another concern is the misapplication of *Hisbah* by unqualified individuals or extremist elements who, lacking proper Islamic knowledge and scholarly guidance, act out of zeal rather than wisdom. These individuals can harm the reputation of *Hisbah*, distort its true purpose, and alienate the public—particularly when enforcement becomes harsh, inconsistent, or poorly justified. Authentic scholars across the Muslim world have repeatedly condemned such abuses and called for greater accountability and educational grounding for those involved in this noble duty.

Despite these challenges, the core principle of *Hisbah* remains both valid and urgently relevant. It presents a distinctly Islamic model of ethical oversight—anchored in divine accountability, communal responsibility, and the moral well-being of society. However, for *Hisbah* to operate

effectively in the modern context, its structure must be thoughtfully reformed, its scope clearly defined, and its practitioners properly trained, both intellectually and spiritually. Its continued relevance and success will depend on striking a careful balance between principle and practicality, tradition and adaptation, and between firm authority and compassionate engagement.

10.2.7 A Broader Lens: *Hisbah* in Modern Systems of Oversight

Reflections of *Hisbah* in Modern Systems:

While the concept of *Hisbah* is rooted in divine revelation and serves a uniquely religious and moral purpose, many of its functional elements are reflected in contemporary secular institutions and corporate systems. Modern societies have developed various mechanisms—such as audits, regulatory bodies, compliance frameworks, and quality assurance protocols—that, in different ways, mirror the operational aspects of *Hisbah*, particularly in areas of oversight, monitoring, and accountability.

For example, consider the following:

- In state institutions, departments such as **regulatory authorities, ombuds offices, and ethics commissions** are tasked with overseeing public conduct and ensuring compliance with established laws and standards.
- A ***standard*** refers to an agreed-upon set of guidelines or criteria established to ensure consistency, safety, quality, or efficiency across processes, products, or services. These can range from technical specifications—like ISO standards for manufacturing or data security—to ethical and procedural frameworks such as medical protocols, financial reporting standards, or codes of

conduct in professional settings. Clear and well-defined standards assist in ensuring consistency, transparency, and predictability – foundational qualities for effective governance and smooth operations in both the public and private sectors. Typically developed by subject-matter experts, these standards are grounded in practical realities and reflect what works in real-world contexts. When thoughtfully implemented, they streamline processes, reduce ambiguity, and establish measurable benchmarks for performance, safety, and quality. Beyond improving operational efficiency, such standards promote accountability by providing objective criteria for evaluating actions and outcomes. In complex societies spanning diverse industries and jurisdictions, uniform guidelines also enable coordinated regulation, fair dispute resolution, and ongoing institutional improvement – ultimately minimizing errors, safeguarding public and consumer interests, and fostering trust.

- Similarly, in the corporate world, departments such as **compliance, internal audit, and quality control** are tasked with monitoring operations to ensure that organizational practices and outputs align with established benchmarks. These oversight mechanisms rely on scheduled audits, inspections, and documented evidence to maintain transparency, enforce discipline, and safeguard operational integrity. In many respects, these functions echo the classical role of the *muhtasib* – ensuring fairness in transactions, promoting ethical behavior, and preventing harm. Though stripped of religious association and title, a part of the spirit of the *muhtasib*'s mission lives on in modern institutions – where individuals and systems work to ensure that the “scales” remain balanced, that

power is not abused, and that misconduct is neither ignored nor unchecked. This addresses a broad range of modern concerns—such as protecting workers from unsafe conditions and excessive ergonomic strain, preventing environmental pollution, ensuring that products meet health and safety standards, and minimizing risks that could lead to injury or loss of life, and so on. Regulatory bodies address these and other societal harms through mandatory audits, compliance checks, and enforcement procedures—a form of *nahy ‘an al-munkar*, aimed at upholding human dignity and public welfare.

These mechanisms reflect the enduring relevance of *Hisbah*. While the form may have evolved, the underlying principle remains constant: the necessity of public oversight and moral accountability in sustaining a just and balanced society.

Hisbah and the Ethical Blind Spots of Modern Institutions

Despite the above similarities, significant distinctions remain between the Islamic concept of *Hisbah* and these modern systems.

Blind Spots and Lack of Moral Compass:

Contemporary regulatory and compliance frameworks are typically grounded in man-made legislation—shaped by political agendas, economic imperatives, and prevailing cultural norms. As a result, their focus tends to center on procedural legality rather than moral or spiritual accountability. What is considered “permissible” under secular law may, in fact, be deeply immoral or religiously impermissible.

For example, an auditor tasked with inspecting a facility that manufactures components for F-35 fighter jets—used in the bombing of

innocent civilians in Gaza—may find the facility fully compliant with safety, labor, or environmental standards. From a regulatory standpoint, the audit would be considered successful, while the broader ethical implications of the plant's output fall entirely outside the scope of concern. In such frameworks, the concept of "sin" holds no legal weight unless it overlaps with a statutory violation.

These systems also exhibit significant blind spots: they may rigorously regulate certain industries while allowing practices that are legally sanctioned yet socially harmful or ethically questionable. The alcohol and tobacco industries, for instance, operate under extensive regulation yet remain lawful despite their well-documented public health consequences.

This reveals a fundamental shortcoming in modern oversight models: they often lack the moral compass that lies at the heart of the Islamic Hisbah system—one that goes beyond legal compliance to seek alignment with higher, divinely ordained values.

Lack of Personal Concern:

Modern oversight systems are typically impersonal, procedural, and institutional in nature. They often lack the moral sincerity, personal investment, and spiritual consciousness that define the Islamic framework of Hisbah. The muhtasib, by contrast, was not merely a regulator but a spiritually grounded individual—deeply connected to the community, motivated by a sense of duty before Allah, and guided by taqwā in upholding justice and public morality.

Crucially, contemporary systems tend to prioritize external compliance over internal transformation. They focus on whether procedures have been followed, not on the moral character or intentions behind actions. As

a result, they seldom foster personal reform or awaken the conscience in ways that lead to lasting ethical change. In contrast, the Islamic approach to accountability seeks not only to regulate behavior but to nurture sincerity, integrity, and moral growth within the individual and society.

Bureaucratic Overreach:

In many cases, modern oversight systems, though structurally sophisticated, become overly bureaucratic—prioritizing paperwork, procedures, and rigid compliance over meaningful outcomes. This overregulation can create inefficiencies, slow decision-making, and burden institutions with administrative formalities that do little to enhance actual integrity or justice. Instead of enabling ethical conduct, such systems often reduce it to a checklist exercise, undermining the very accountability they are meant to uphold.



Taken together, these comparisons underscore both the enduring relevance and the distinctive nature of the Islamic model of *Hisbah*. They highlight the need to examine how traditional Islamic principles of moral accountability might intersect with—and even enrich—contemporary mechanisms of governance and organizational oversight. While certain elements of modern systems mirror aspects of *Hisbah* in spirit or function, fundamental differences remain.

As we reimagine a contemporary model of *Hisbah*, it is both possible and beneficial to adopt components from modern systems that align with its underlying ethical purpose. At the same time, their limitations—such as the absence of spiritual accountability and moral depth—must be recognized and addressed. These systems can be enhanced,

supplemented, and reoriented in ways that restore the spiritual, communal, and God-conscious dimensions essential to the Islamic vision of enjoining good and forbidding evil.

10.3 Two Important Reflections About the Model Presented in This Book:

Before we proceed to reimagine *Hisbah* for the modern era, one final step remains: to critically reflect on the model of *Hisbah* presented in the main part of this book and assess whether it can be applied as it stands or whether it requires reform and adaptation.

Upon such reflection, two key observations become evident:

10.3.1 Need for Technical Expertise

In this book, the Shaykh presents a comprehensive and far-reaching model of *Hisbah*, explicitly identifying it as one of the four central departments of the Islamic government. Under this vision, *Hisbah* is not limited to market supervision but extends its reach to encompass prayer enforcement, education, media, healthcare, and other key areas of public life. This holistic approach reflects a deep concern for the moral and social well-being of the Ummah. However, implementing such a model in today's world presents considerable practical challenges. Modern societies are marked by a high degree of specialization, and fields like medicine, finance, and media now require advanced, domain-specific expertise—challenges that cannot be adequately addressed through general oversight alone.

The Prophet ﷺ stated:

أَنْتُمْ أَعْلَمُ بِأَمْرِ دُنْيَاكُمْ

"You are more knowledgeable about the matters of your worldly life."

This principle suggests that individuals who possess both expertise in a specific field and sound *Shar'ī* understanding are best positioned to undertake *Ḥisbah* within that domain. A *Madrassa* graduate—whom we hold in the highest regard—may not be equipped to address the complex realities of modern medicine and thus can offer only limited guidance in that area. Issues such as end-of-life care (e.g., decisions around brain death or life support withdrawal), fertility treatments (e.g., IVF, surrogacy, egg/sperm donation), genetic screening, organ donation and reconstruction, genetic engineering, and the use of experimental or synthetic pharmaceuticals raise highly technical and morally sensitive questions. Without deep medical knowledge, it is difficult to fully grasp the implications of such practices or offer ethically sound guidance rooted in *Sharī'ah*. Conversely, a medical professional unfamiliar with Islamic rulings may overlook serious *Shar'ī* concerns. What is required, therefore, is a fusion of technical competence and religious insight. This integration was a central theme consistently emphasized by the late Dr. Israr Ahmed (*rahimahullāh*), who considered it essential to any meaningful revival of the Ummah—as elaborated in his book *Renaissance of Islam: The Real Task Ahead* and in numerous lectures dedicated to this very topic.

10.3.2 Division of Responsibility:

Additionally, assigning a single individual to enforce *Ḥisbah* across all sectors—markets, media, education, public morality, etc.—risks inefficiency and burnout. The range of responsibilities is simply too vast. This highlights the need for specialized, distributed structures that preserve the integrity of *Ḥisbah* while acknowledging modern complexity.



Despite these challenges, the Shaykh's discourse remains highly valuable. It rekindles interest in an often-neglected area and stimulates essential reflection on the role of *Hisbah* in contemporary society. While not every detail may be directly applicable—as I humbly believe—many of the underlying principles merit serious consideration and thoughtful implementation, provided they are adapted with wisdom, appropriate structure, and institutional support. Several related aspects are explored and reflected upon in the sections that follow.

10.4 Toward a Viable Model for Reviving Hisbah Today

10.4.1 First Things First:

In this section, I present a proposed framework for implementing *Hisbah* in our time—developed through careful reflection on the Shaykh's explanation, a review of oversight systems in both Muslim-majority and non-Muslim countries, and an examination of various contemporary regulatory models. This proposal is shaped by my own limited analysis and offered with deep respect for the Shaykh's scholarship, insight, and the lasting impact of his work. While I do differ with him on certain points, I do so with the utmost humility—fully acknowledging that my views themselves may be subject to valid disagreement. This contribution is offered with a clear awareness of the limitations of my own knowledge and experience. Nevertheless, I undertake this effort with the sincere hope that this reflection and critical engagement with relevant aspects of *Hisbah* may spark meaningful thought in others—thought that, by Allah's grace, could lead to beneficial action and outcomes.

Whatever value this contribution may hold is solely by the grace of Allah;

and any shortcomings are entirely my own.

10.4.2 *Three Inter-Related Layers of the Proposed Model*

The proposed model consists of three interrelated layers:

1. ***Ḥisbah within the self***—anchored in *taqwā* and driven by one's personal sense of accountability before Allah.
2. ***Ḥisbah at the level of communities and private institutions***—where ethical norms are upheld through shared values, mutual counsel, and internal governance mechanisms.
3. ***Ḥisbah through government appointments***—formalized oversight by public authorities to ensure adherence to moral and legal standards in society.

These layers are not mutually exclusive. In many cases, their boundaries overlap—for instance, government-established bodies may function in ways similar to private institutions, and vice versa. The effectiveness of a holistic Ḥisbah model depends on the dynamic interplay between these layers, each reinforcing the other while remaining true to the foundational values of Islamic ethics and justice.

10.4.3 *Ḥisbah within the self*

Ḥisbah within the self is the foundational layer of moral accountability in Islam—where one's inner compass, guided by *taqwā*, becomes the primary force in enjoining good and forbidding evil. Before oversight can be effective in society, it must begin within the individual soul. This requires cultivating hearts that are spiritually aware, ethically committed, and sincerely motivated to uphold truth even when it is uncomfortable or self-incriminating. As the Qur'an states:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوِّمِينَ بِالْقِسْطِ شُهَدَاءَ لِلّٰهِ وَلَوْ عَلَىٰ أَنْفُسِكُمْ

“O believers! Stand firm for justice as witnesses for Allah even if it is against yourselves” [Surah An-Nisa:135].

We are called to be people who can, when necessary, testify against ourselves in pursuit of justice. Creating such individuals cannot be left to chance. *Majāsājid*, schools, media, and even government institutions must work together to build environments that nurture *taqwā* and moral clarity. Our systems of education and public discourse should emphasize not only external compliance but internal accountability – producing individuals who recognize good and eagerly pursue it, and who identify evil and instinctively avoid it. A society made up of such people will naturally incline toward justice and reform, making external enforcement more effective and less frequently needed.

10.4.4 *Ḥisbah at the level of communities and private institutions*

This section explores how the principle of Ḥisbah can be actively upheld within communities and private institutions. While government plays an important role in formal enforcement, everyday Muslims and local bodies also carry the moral responsibility to promote good and prevent harm – through education, ethical standards, institutional policies, and collaborative initiatives rooted in Islamic values. The following can be some of the useful interventions at this level of the implementation of *Hisbah*.

Every Muslim’s Responsibility: Enjoining Good and Forbidding Evil

Communities are ultimately a collection of individuals, and the foundation of *ḥisbah* – mutual advice, enjoining good, and forbidding evil – begins at the individual level. While institutional structures help

formalize and scale the application of *ḥisbah*, they are ultimately supportive tools. The core responsibility has always rested with individual Muslims.

Every believer is obligated, within their capacity, to uphold what is right and to resist what is wrong. This enduring personal duty is eloquently affirmed in the well-known *ḥadīth* of the Prophet ﷺ:

مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ وَذَلِكَ أَضْعَفُ
الْإِيمَانِ

“Whoever among you sees evil, let him change it with his hand. If he cannot do so, then with his tongue. If he cannot do so, then with his heart – and that is the weakest level of faith.” [Ṣaḥīḥ Muslim 49]

This *ḥadīth* serves as a timeless reminder that the obligation of *amr bil-ma'rūf wa-nahy 'an al-munkar* is not dependent on formal authority or official mandate. Even in the absence of structured enforcement bodies, the individual remains morally accountable before Allah to act, speak, or feel disapproval in the face of wrongdoing.

Therefore, any institutional revival of *ḥisbah* must never overshadow the individual moral responsibility it is meant to reinforce. The strength of collective oversight depends, first and foremost, on the sincerity, courage, and consciousness of individuals within the Ummah.

Robust Implementation Through Diverse Institutional Mechanisms

For *Ḥisbah* to function effectively in modern contexts, a diversified and well-coordinated implementation framework is essential. Relying exclusively on a centralized state apparatus is neither sufficient nor practical in today's multifaceted societies. Instead, a networked model – comprising complementary institutions and mechanisms – should be

established to collectively serve the aims of ethical oversight, social accountability, and *Shar'ī* compliance.

In this vision, private institutions and community-based initiatives should not only take active ownership of their own role in *Hisbah*, but also support the state in its broader mission of promoting good and preventing harm. This is in direct alignment with the Qur'anic command:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

“Cooperate with one another in righteousness and piety, and do not cooperate in sin and transgression” [Sūrat al-Mā'idah, 5:2].

In what follows, we outline several proposed organizational forms and institutional pathways—both at this level of community and private involvement, as well as in the next layer of state-based *Hisbah*—that can contribute meaningfully to this broader vision.

Community-Based Shūrā Councils

Among the diverse institutional mechanisms that can support a more integrated system of *Hisbah*, community-based Shūrā councils could play a particularly vital role. These locally grounded consultative bodies—composed of scholars, civic leaders, and technical experts—would be well-positioned to mediate community-specific issues, offer advisory opinions on local moral dilemmas, and provide the kind of cultural sensitivity and localized insight that may be overlooked by central authorities. In many places, similar bodies already exist—sometimes informally through respected elders or local leaders, and in other cases as more formal structures such *Jirgahs*. However, for their role to align with the true spirit of *Hisbah*, their guidance must be firmly rooted in the Qur'an and Sunnah, rather than local customs or practices that contradict

Islamic teachings. These councils would not hold the authority to enforce punishments but could serve as important advisory and mediating platforms. When necessary, they should have the ability to escalate serious matters to relevant government institutions, thereby strengthening the broader framework of moral accountability while respecting proper jurisdiction.

Independent Non-Profit Hisbah Organizations

In addition to formal state mechanisms, there is immense potential in establishing independent, non-profit organizations dedicated to advancing the moral spirit and objectives of *Hisbah*. These autonomous bodies—operating outside the control of the state—can make valuable contributions to ethical awareness, social accountability, and the preservation of Islamic values in public life. Their core functions may include:

- Promoting public awareness and education on Islamic ethics, values, and civic responsibility.
- Acting as moral watchdogs by issuing public reports and policy briefs on emerging societal harms, unethical trends, or neglect of communal obligations.
- Supporting individuals, businesses, and institutions seeking guidance on *Shar'ī* compliance, ethical governance, or moral reform.
- Serving as independent voices of conscience, untainted by political interests or bureaucratic constraints.

The strength of this type of organizations lies in public trust, grassroots legitimacy, and moral influence. They add a layer of community-driven oversight and serve as an additional check on both public and private

power.

Importantly, such organizations already exist in various forms across the Muslim world. Public da‘wah organizations, research institutes, and civil society bodies often play roles that parallel aspects of *Hisbah*, even if not explicitly named as such.

One illustrative example is the Institute of Policy Studies (IPS), Islamabad. IPS is an independent, not-for-profit think tank dedicated to policy-oriented research, dialogue, and national development. It provides a platform for critical engagement on domestic and international issues, produces in-depth research, and facilitates discussions among scholars, policymakers, and civic leaders. Through its work on governance, faith and society, and ethical frameworks, IPS demonstrates how modern institutions can promote Islamic moral values in contemporary public discourse. Crucially, it maintains its autonomy by being self-financed—thus safeguarding its objectivity and integrity. Its engagement with scholars, both local and international, positions it as a hub for principled research and advocacy.

Such examples demonstrate that the infrastructure for morally grounded oversight already exists in many contexts. What is now needed is to expand and multiply these organizations—across various levels and segments of society—to systematically enjoin what is right and forbid what is wrong. These organizations should support one another and also collaborate with government bodies in advancing this shared moral objective.

Indeed, the Qur’ān explicitly calls for such cooperation in righteousness and piety:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

“Cooperate in righteousness and piety, but do not cooperate in sin and transgression.” [Sūrat al-Mā'idah, 5:2]

In this light, private institutions, civic organizations, and scholars bear a collective responsibility to support the broader implementation of *Hisbah*. By aligning their efforts with divine principles, they can help foster a society where ethical awareness, communal conscience, and moral accountability are actively upheld – not merely by state enforcement, but through a vibrant, value-driven social fabric.

Integration of Shar'ī Literacy with Professional Expertise

It is not sufficient for a government or institution to simply designate certain individuals or bodies as *muhtasib*. The effectiveness of such appointments depends on a well-rounded and strategic investment in relevant human capacity. Public and private educational institutions must play a central role in cultivating this competency. Those entrusted with the responsibility of *hisbah* must be trained to combine technical proficiency in their respective fields with sound Islamic knowledge.

This requires that educational frameworks – especially at the secondary and tertiary levels – intentionally integrate the broader concept of *hisbah*, starting from individual self-accountability all the way to institutional and state-level responsibilities. Students should be introduced to *amr bil-ma'rūf wa nahy 'an al-munkar* not merely as a slogan or ritual enforcement, but as a holistic duty that spans every sector – law, business, healthcare, education, media, and beyond. Upholding the good and forbidding the wrong is not confined to mosque attendance or market inspections; it involves fostering ethical integrity in every profession and walk of life.

To do this responsibly, *muhtasibs* must be equipped with both *Sharʿī* understanding and practical expertise in the domains they are advising or regulating. Without this dual literacy, one risks either misapplying Islamic principles due to ignorance of the field, or failing to uphold *Sharʿī* objectives due to weak religious grounding.

To bridge this gap, a two-pronged educational reform is necessary:

- **For university students and professionals** in fields such as law, medicine, economics, education, and media: structured modules on the *Qurʾān*, *Sunnah*, Islamic jurisprudence (*fiqh*), ethical theory, and *Maqāṣid al-Sharīʿah* should be introduced as part of their core or supplementary education. This should go beyond mere religious literacy—it must involve a critical re-examination of these disciplines in light of divine revelation. Rather than simply adopting Western or conventional textbook narratives at face value, there must be a conscious effort to reimagine and reformulate these fields in accordance with Islamic principles, values, and epistemology. This approach ensures that knowledge is not only technically sound but also spiritually anchored and morally purposeful.
- **For students of Islamic seminaries (*madāris*) and traditional scholars:** foundational courses in modern disciplines should be provided to build contextual awareness—offering insights into how contemporary institutions function and where Islamic rulings can be meaningfully applied.

Additionally, interdisciplinary programs can be established for graduates or researchers seeking to specialize in applied Islamic ethics, governance,

and public morality.

This kind of cross-disciplinary training will help produce individuals capable of carrying out the function of *hisbah* with wisdom, accuracy, and relevance—understanding not only the letter of the law but also the nuanced realities of the modern world in which that law must be applied.

Standards as the Voice of Revelation and Reason

A critical step in reviving *Hisbah* in a meaningful and modern context is the redefinition and authorship of standards—those that shape behavior, industry practices, public health, environmental ethics, and more. The figure below illustrates the role of standards, codes of practice, and best practices within the broader legal and regulatory framework. While public-sector *Hisbah* bodies would be responsible for formulating regulations, codes of practice, and binding standards, the private sector can contribute through the development of non-binding standards and industry best practices that support and reinforce these goals.

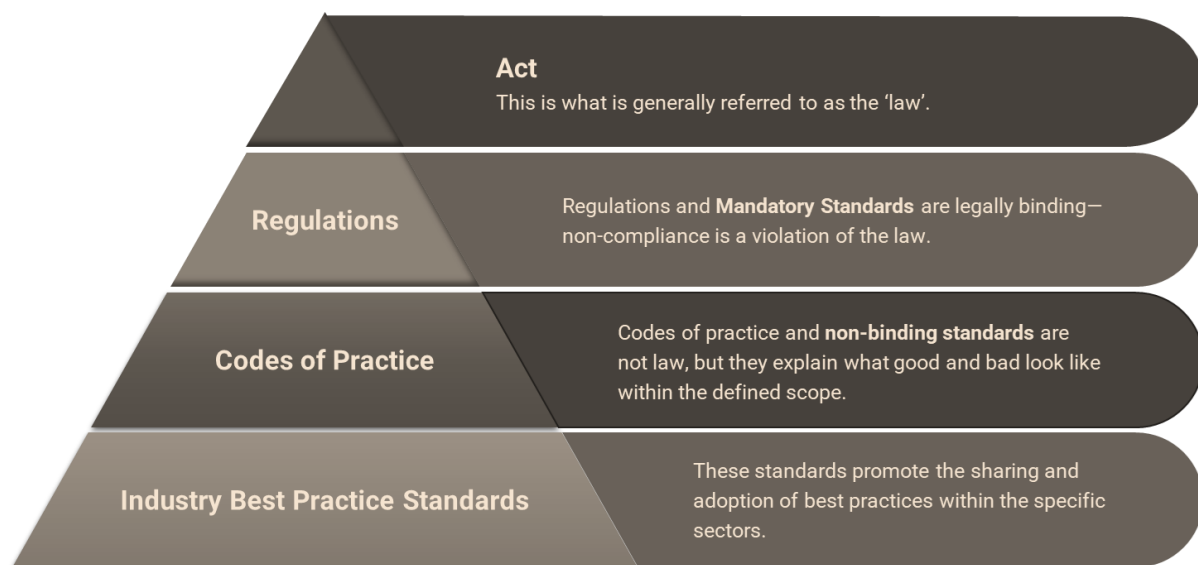


Figure: Various layers of legal framework

In the current global model, these standards are often developed exclusively by technical experts or governmental bodies, operating through a primarily secular or utilitarian framework. While such contributions are valuable for ensuring safety, efficiency, and scientific validity, they often overlook the moral, spiritual, and theological dimensions grounded in divine guidance.

To bridge this gap, we propose the formation of independent private-sector *Shar'iah*-anchored advisory panels or commissions, embedded within key sectors such as media, finance, education, healthcare, and the environment. These panels would act as principled, cross-disciplinary standard-setting bodies that bring together experts from various domains—scientists, engineers, economists, educators—alongside qualified Islamic scholars (*'ulamā'*) and public policy specialists. Their core functions would include:

- Developing Islamic ethical standards, codes of practice, best practice documents, and operational guidelines in collaboration with domain specialists, drawing simultaneously from *Shar'iah* sources and contemporary empirical knowledge.
- Performing contextual *ijtihād* to ensure that rulings and recommendations remain relevant, practical, and responsive to evolving realities.
- Reviewing major policy proposals, system-level decisions, or regulatory shifts before their implementation by operational or enforcement bodies.

These commissions would not possess executive or enforcement power.

Rather, they would serve as intellectual and ethical anchors – offering the first layer of scrutiny and producing values-based, theologically sound blueprints that guide downstream action. For instance, a standard for managing hazardous materials would not only rely on scientific assessments and regulatory metrics, but would also reflect Qur’anic values such as *ḥifẓ al-nafs* (preservation of life), *ḥifẓ al-bi’ah* (care for the environment), and *daf’ al-darar* (prevention of harm).

In essence, these standards should become the voice of the *Qur’ān*, *Sunnah*, and any contemporary knowledge that aligns with them – ensuring that governance, institutional behavior, and technical systems are not only efficient, but also ethically upright, spiritually aware, and oriented toward the higher objectives of the *Shari’ah*.

10.4.5 Hisbah through government appointments

At this level as well, *Hisbah* is proposed to be implemented through a layered approach, as outlined below.

Designated Local Muhtasibs

The government would designate specific officers – locality by locality – as *muhtasibs*, providing them with clearly defined objectives, standardized protocols, and comprehensive training. Functioning under a centralized *Hisbah* department, these officers would:

- Carry out real-time, public-facing *Hisbah* duties, particularly in marketplaces and communal spaces.
- Serve in a reminder-based, corrective, and supportive capacity, while also exercising approved punitive authority within clearly defined parameters.

- Undergo rigorous training – both in *fiqh* and interpersonal ethics – to ensure their conduct reflects Islamic values of wisdom, patience, and justice.
- Operate under regular oversight and performance review to prevent misuse of authority or overreach.

Given the overlap between their responsibilities and those of conventional police forces, *muhtasibs* would ideally operate under the broader umbrella of the police department – either as a distinct role or by integrating their functions into the existing responsibilities of general duty officers. In many cases, the latter approach may prove advantageous, as police officers already hold a respected and recognized position in society. By incorporating the duties of *Amr bil Ma'rūf wa Nahy 'An al-Munkar* into their public service mandate, police officers could build upon their existing authority to promote ethical behavior, intervene against visible wrongdoing, and serve as moral stewards in their communities.

General duty officers are already tasked with a wide range of public responsibilities – such as preventing anti-social behavior, resolving disputes, responding to emergencies, investigating crime, and supporting community safety. Their continuous presence in neighborhoods and their ability to de-escalate conflict position them well to also serve as front-line enforcers of public morality and fairness in line with Islamic principles. Alternatively, designated *muhtasibs* could be appointed as a parallel role within the police department, operating with a specific focus on ethical oversight and public decency, while remaining closely coordinated with law enforcement efforts. Either model would enhance the institutional capacity for upholding both legal order and moral accountability in

society.

Sectoral Hisbah Boards

To embed the spirit of *Amr bil Ma'rūf wa Nahy 'An al-Munkar* meaningfully within modern governance, each major sector of society should establish its own Sectoral *Hisbah* Board. These boards function as upstream ethical and strategic institutions—ensuring that public policy, sectoral development, and institutional behavior align with Islamic principles and serve the higher objectives of the *Sharī'ah*.

Each board would bring together two critical components:

- Domain-specific experts (e.g., in education, economics, media, health-care, etc.)¹²
- Islamic scholars well-versed in Qur'ān, Sunnah, *fiqh*, and ethical reasoning

Core Functions of the Sectoral *Hisbah* Boards would include:

1. **Formation of Regulations:** Sectoral *Hisbah* Boards would develop ethical and functional regulations and binding standards to guide institutional conduct in line with Islamic values. These serve as benchmarks for *Shar'iah* Compliance Authorities when assessing adherence. For instance, educational institutions would be evaluated not only for operational efficiency but also for alignment with defined Islamic goals in content, pedagogy, and institutional

¹² In the long term, efforts should focus on cultivating professionals who are not only experts in their respective fields but also possess a sound and sufficient education in the Qur'ān, Sunnah, *Fiqh*, and *Uṣūl al-Fiqh*. This dual expertise would enable them to engage in **sector-specific ijtihād**—applying Islamic principles to real-world challenges within their domain. To support and validate this process, such individuals should work in close collaboration with dedicated *Shar'iah* scholars and advisory boards embedded within their sector.

culture.

2. **Development of Codes of Practice:** Alongside formal regulations, these boards would develop value-driven codes of practice and both binding and non-binding standards to guide ethical and technical best practices across sectors. While private entities and think tanks may contribute to voluntary standard-setting, the boards would lead in producing nationally recognized Islamic standards. They would also provide training, explanatory resources, and implementation support to help institutions effectively adopt and internalize these standards in real-world contexts.
3. **Strategic Ethical Oversight:** These boards provide long-term moral and ideological direction within their sectors. Whether evaluating policy trends, institutional reforms, or emerging technologies, their role is to safeguard the sector's alignment with Islamic ethics, social justice, and collective well-being.
4. **Collaborative *Ijtihād* and Guidance:** In sectors facing complex moral challenges or rapidly evolving realities, these boards serve as hubs for contextual *ijtihād*. Through cross-disciplinary deliberation, they produce recommendations, advisories, and ethical frameworks that address contemporary needs while remaining rooted in the Shari'ah.
5. **Institutional Advisory Role:** They would issue policy papers and recommendations to ministries, institutions, and lawmakers—highlighting areas where proposals may require revision to avoid conflict with Islamic norms.

Though these boards would not engage in direct enforcement or disciplinary procedures, they are foundational in shaping the ethical blueprint of each sector. The *Shar'iah Compliance Authorities* would then act as the operational arm—checking institutions, conducting audits, and ensuring real-world conformity to the principles and policies articulated by these boards.

By institutionalizing sector-specific ethical oversight and translating Islamic ethical imperatives into concrete regulatory instruments, societies can shift from reactive responses to misconduct toward proactively designing systems that prevent harm, promote good, and embody the holistic vision of Islam in public life.

Shar'iah Compliance Authorities

These are sector-specific regulatory bodies—such as in health, education, markets, media—tasked with enforcing the regulations and binding standards developed by the *Sectoral Hisbah Oversight Boards*. Their role is to ensure institutional adherence to Islamic ethical norms through practical enforcement mechanisms.

Their core responsibilities include:

- Translating regulations and standards into inspection protocols and sector-specific compliance checklists.
- Issuing licenses, conducting audits, and investigating violations where applicable.
- Imposing penalties or revoking licenses in cases of serious non-compliance.
- Coordinating with field professionals to ensure that all regulatory

actions remain within the bounds of *Shar'iah* principles.

These authorities serve as the enforcement and implementation arm of the *Hisbah* framework – turning moral and ethical guidelines into actionable and accountable practice within their respective sectors.

Judicial Oversight and Adjudication

Courts play a vital role in upholding *Amr bil Ma'rūf wa Nahy 'An al-Munkar* by adjudicating legal disputes, enforcing rights, and resolving contested claims. Local *muhtasibs*, police, and *Shar'iah Compliance Authorities* may refer cases to the judiciary when matters involve denial, counterclaims, or legal ambiguity. Likewise, individuals subject to penalties or enforcement actions by *muhtasibs*, police, or compliance bodies have the right to appeal and present their case before the courts. This includes issues such as contract disputes, financial claims, and civil or criminal matters requiring formal procedures, evidence, and judicial rulings.

The judiciary would:

- Arbitrate disputes where parties deny or contest claims.
- Uphold and enforce rights, in the light of Quran and Sunnah, that are not immediately evident or universally acknowledged.
- Issue binding rulings grounded in the Qur'ān, Sunnah, and sound jurisprudence.
- Serve as a final recourse when administrative or *Hisbah*-based interventions are insufficient due to disagreement or legal complexity.

In doing so, courts would ensure that justice is delivered with impartiality

(*munāṣafah*), safeguarding the rights of all parties and reinforcing the ethical framework of Islamic governance.

Oversight of the System: Ensuring Accountability

One of the most overlooked—yet critically important—elements of a functioning *Hisbah* system is the need to monitor the monitors themselves. Just as corporations are subject to external audits to detect corruption, inefficiency, or bias, so too must those entrusted with upholding public morality and enforcing Islamic ethics be held to account. This includes regulators, *muḥtasibs*, specialized authorities, and even Shar‘īah review boards.

To safeguard the system’s integrity, we propose the establishment of an independent ombudsman-style institution or oversight body. This third-party authority would be responsible for regularly evaluating the performance of all tiers of the *Hisbah* structure—from street-level enforcers to high-level commissions and regulatory bodies. It must remain structurally and financially independent, with no direct stake in policymaking or enforcement, allowing it to conduct its work with full impartiality.

Such a body would not only ensure that Islamic guidelines are being applied justly and proportionately, but also prevent the misuse of religious authority, political manipulation, or administrative negligence. As explained earlier, this concept finds precedence in the historical Islamic model of the *Dīwān al-Mazālim*, which allowed grievances to be brought even against governors and judges, embodying the Qur’anic command to establish justice with unwavering fairness.

Only when those responsible for *enjoining good and forbidding wrong* are

themselves subject to meaningful oversight can the system retain public trust and religious legitimacy. This is the essence of *iḥtisāb al-muḥtasib* – the accountability of the one who holds others accountable.

This multi-layered model allows for a balance of standard-setting, operational enforcement, public accountability, and cultural responsiveness, ensuring the Islamic spirit of *Ḥisbah* is preserved while remaining practical and just in the modern world.

10.5 *Ḥisbah and Iqamat Ad-Din*

The structure and function of *Ḥisbah* can only be effectively realized when embedded within the broader framework of an Islamic state. If leadership rests in the hands of the *fujjār* – those who govern by laws other than the Book of Allah, legislate in opposition to the Qur'an and Sunnah, and show no concern for enjoining good or forbidding evil, nor for following the example of the Rightly Guided Caliphs – then even the most meticulously crafted model for the *Ḥisbah* department, with all its organizational precision, will ultimately fail to achieve its intended purpose.

For this reason, *Iqāmat ad-Dīn* – the establishment of the religion – is an inevitable requisite. It is essential that *al-imāmah* (leadership) be entrusted to the righteous, and that the state itself be founded upon Islamic principles. Only in such a context can the *Dīwān al-Ḥisbah*, together with the other institutions and pillars of governance, operate in harmony – strengthening one another and enabling the flourishing of a truly Islamic society.

10.6 *Contributing to a Broader Vision: Reviving the Islamic Framework*

This text has sought to contribute to the broader mission of Islamic revival

by examining the Qur'ānic and Prophetic roots of *Ḥisbah*, tracing its historical development, assessing its current form, and proposing directions for its institutional renewal. It builds upon the intellectual legacy of our scholarly tradition through the central content of the book — a translated lecture by Shaykh Ṣafar al-Ḥawālī — which draws deeply from classical juristic insights. The Shaykh's analysis forms the foundation, while the foreword and afterword aim to extend it by engaging with modern challenges and outlining possible pathways for practical implementation.

This *Afterword* presents a set of preliminary reflections — offered not as final blueprints but as contributions to a collective and evolving effort. These ideas are intended to provoke thought, invite critical engagement, and encourage collaboration among those invested in the moral and institutional development of Muslim societies. They require further exploration through focused research, validation by expert circles, and careful refinement in consultation with scholars, professionals, and institutional stakeholders.

The broader objective is to revive and clarify Islamic governance frameworks that serve both *dīn* and *dunyā* — firmly rooted in divine revelation, yet attentive to the realities of today's world. If we are sincere in advocating for Islamic solutions, we must move beyond idealistic slogans and nostalgic references. We must present thoughtful, workable, and well-researched models that show how core Islamic principles — such as *Ḥisbah* — can be translated into ethical, effective systems of public life.

Yet *Ḥisbah* is only one facet of a much larger framework. There remains a pressing need to develop Islamic approaches across other essential domains — such as economics, law, education, welfare, environmental

ethics, and media – so that the moral coherence and societal relevance of Islam can be more fully realized and appreciated.

Real progress will require collaborative, interdisciplinary action – not isolated initiatives. It will depend on the engagement of scholars, practitioners, institutions, and civic actors – working together in commitment to the *Shar'iah*, to justice, and to the public good. Expert working groups, research centers, and policy forums should take up these proposals, test them in real contexts, and contribute to their evolution.

May Allah make this modest effort a meaningful step toward the Ummah's renewed ability to govern with wisdom, lead with integrity, and embody His guidance in all aspects of life.



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